

Union Calendar No. 96

108TH CONGRESS
1ST SESSION

H. R. 2658

[Report No. 108-187]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 2, 2003

Mr. LEWIS of California, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2004, for military func-
6 tions administered by the Department of Defense and for
7 other purposes, namely:

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$28,233,436,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Depart-

1 ment of Defense Military Retirement Fund,
2 \$23,052,001,000.

3 MILITARY PERSONNEL, MARINE CORPS

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the Ma-
9 rine Corps on active duty (except members of the Reserve
10 provided for elsewhere); and for payments pursuant to sec-
11 tion 156 of Public Law 97-377, as amended (42 U.S.C.
12 402 note), and to the Department of Defense Military Re-
13 tirement Fund, \$8,962,197,000.

14 MILITARY PERSONNEL, AIR FORCE

15 For pay, allowances, individual clothing, subsistence,
16 interest on deposits, gratuities, permanent change of sta-
17 tion travel (including all expenses thereof for organiza-
18 tional movements), and expenses of temporary duty travel
19 between permanent duty stations, for members of the Air
20 Force on active duty (except members of reserve compo-
21 nents provided for elsewhere), cadets, and aviation cadets;
22 and for payments pursuant to section 156 of Public Law
23 97-377, as amended (42 U.S.C. 402 note), and to the De-
24 partment of Defense Military Retirement Fund,
25 \$23,121,003,000.

1 RESERVE PERSONNEL, ARMY

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Army Re-
4 serve on active duty under sections 10211, 10302, and
5 3038 of title 10, United States Code, or while serving on
6 active duty under section 12301(d) of title 10, United
7 States Code, in connection with performing duty specified
8 in section 12310(a) of title 10, United States Code, or
9 while undergoing reserve training, or while performing
10 drills or equivalent duty or other duty, and for members
11 of the Reserve Officers' Training Corps, and expenses au-
12 thorized by section 16131 of title 10, United States Code;
13 and for payments to the Department of Defense Military
14 Retirement Fund, \$3,568,625,000.

15 RESERVE PERSONNEL, NAVY

16 For pay, allowances, clothing, subsistence, gratuities,
17 travel, and related expenses for personnel of the Navy Re-
18 serve on active duty under section 10211 of title 10,
19 United States Code, or while serving on active duty under
20 section 12301(d) of title 10, United States Code, in con-
21 nection with performing duty specified in section 12310(a)
22 of title 10, United States Code, or while undergoing re-
23 serve training, or while performing drills or equivalent
24 duty, and for members of the Reserve Officers' Training
25 Corps, and expenses authorized by section 16131 of title

1 10, United States Code; and for payments to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$1,983,153,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Marine
7 Corps Reserve on active duty under section 10211 of title
8 10, United States Code, or while serving on active duty
9 under section 12301(d) of title 10, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going reserve training, or while performing drills or equiv-
13 alent duty, and for members of the Marine Corps platoon
14 leaders class, and expenses authorized by section 16131
15 of title 10, United States Code; and for payments to the
16 Department of Defense Military Retirement Fund,
17 \$571,444,000.

18 RESERVE PERSONNEL, AIR FORCE

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Air Force
21 Reserve on active duty under sections 10211, 10305, and
22 8038 of title 10, United States Code, or while serving on
23 active duty under section 12301(d) of title 10, United
24 States Code, in connection with performing duty specified
25 in section 12310(a) of title 10, United States Code, or

1 while undergoing reserve training, or while performing
2 drills or equivalent duty or other duty, and for members
3 of the Air Reserve Officers' Training Corps, and expenses
4 authorized by section 16131 of title 10, United States
5 Code; and for payments to the Department of Defense
6 Military Retirement Fund, \$1,267,888,000.

7 NATIONAL GUARD PERSONNEL, ARMY

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Army Na-
10 tional Guard while on duty under section 10211, 10302,
11 or 12402 of title 10 or section 708 of title 32, United
12 States Code, or while serving on duty under section
13 12301(d) of title 10 or section 502(f) of title 32, United
14 States Code, in connection with performing duty specified
15 in section 12310(a) of title 10, United States Code, or
16 while undergoing training, or while performing drills or
17 equivalent duty or other duty, and expenses authorized by
18 section 16131 of title 10, United States Code; and for pay-
19 ments to the Department of Defense Military Retirement
20 Fund, \$5,382,719,000.

21 NATIONAL GUARD PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
23 travel, and related expenses for personnel of the Air Na-
24 tional Guard on duty under section 10211, 10305, or
25 12402 of title 10 or section 708 of title 32, United States

1 Code, or while serving on duty under section 12301(d) of
2 title 10 or section 502(f) of title 32, United States Code,
3 in connection with performing duty specified in section
4 12310(a) of title 10, United States Code, or while under-
5 going training, or while performing drills or equivalent
6 duty or other duty, and expenses authorized by section
7 16131 of title 10, United States Code; and for payments
8 to the Department of Defense Military Retirement Fund,
9 \$2,140,598,000.

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TITLE II

11

OPERATION AND MAINTENANCE

12

OPERATION AND MAINTENANCE, ARMY

13

(INCLUDING TRANSFER OF FUNDS)

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For expenses, not otherwise provided for, necessary
15 for the operation and maintenance of the Army, as author-
16 ized by law; and not to exceed \$11,034,000 can be used
17 for emergencies and extraordinary expenses, to be ex-
18 pended on the approval or authority of the Secretary of
19 the Army, and payments may be made on his certificate
20 of necessity for confidential military purposes,
21 \$24,903,992,000: *Provided*, That of the funds appro-
22 priated in this paragraph, not less than \$355,000,000
23 shall be made available only for conventional ammunition
24 care and maintenance: *Provided further*, That of funds
25 made available under this heading, \$2,500,000 shall be

1 available for Fort Baker, in accordance with the terms and
2 conditions as provided under the heading “Operation and
3 Maintenance, Army”, in Public Law 107–117.

4 OPERATION AND MAINTENANCE, NAVY

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance of the Navy and the
7 Marine Corps, as authorized by law; and not to exceed
8 \$4,463,000 can be used for emergencies and extraordinary
9 expenses, to be expended on the approval or authority of
10 the Secretary of the Navy, and payments may be made
11 on his certificate of necessity for confidential military pur-
12 poses, \$28,060,240,000.

13 OPERATION AND MAINTENANCE, MARINE CORPS

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance of the Marine Corps,
16 as authorized by law, \$3,440,456,000.

17 OPERATION AND MAINTENANCE, AIR FORCE

18 For expenses, not otherwise provided for, necessary
19 for the operation and maintenance of the Air Force, as
20 authorized by law; and not to exceed \$7,801,000 can be
21 used for emergencies and extraordinary expenses, to be ex-
22 pended on the approval or authority of the Secretary of
23 the Air Force, and payments may be made on his certifi-
24 cate of necessity for confidential military purposes,
25 \$26,689,043,000: *Provided*, That notwithstanding any

1 other provision of law, that of the funds available under
2 this heading, \$750,000 shall only be available to the Sec-
3 retary of the Air Force for a grant to Florida Memorial
4 College for the purpose of funding minority aviation train-
5 ing.

6 OPERATION AND MAINTENANCE, DEFENSE-WIDE

7 (INCLUDING TRANSFER OF FUNDS)

8 For expenses, not otherwise provided for, necessary
9 for the operation and maintenance of activities and agen-
10 cies of the Department of Defense (other than the military
11 departments), as authorized by law, \$16,124,455,000, of
12 which not to exceed \$25,000,000 may be available for the
13 CINC initiative fund account; and of which not to exceed
14 \$34,500,000 can be used for emergencies and extraor-
15 dinary expenses, to be expended on the approval or author-
16 ity of the Secretary of Defense, and payments may be
17 made on his certificate of necessity for confidential mili-
18 tary purposes: *Provided*, That notwithstanding any other
19 provision of law, of the funds provided in this Act for Civil
20 Military programs under this heading, \$500,000 shall be
21 available for a grant for Outdoor Odyssey, Roaring Run,
22 Pennsylvania, to support the Youth Development and
23 Leadership program and Department of Defense
24 STARBASE program: *Provided further*, That none of the
25 funds appropriated or otherwise made available by this

1 Act may be used to plan or implement the consolidation
2 of a budget or appropriations liaison office of the Office
3 of the Secretary of Defense, the office of the Secretary
4 of a military department, or the service headquarters of
5 one of the Armed Forces into a legislative affairs or legis-
6 lative liaison office: *Provided further*, That \$4,700,000, to
7 remain available until expended, is available only for ex-
8 penses relating to certain classified activities, and may be
9 transferred as necessary by the Secretary to operation and
10 maintenance appropriations or research, development, test
11 and evaluation appropriations, to be merged with and to
12 be available for the same time period as the appropriations
13 to which transferred: *Provided further*, That any ceiling
14 on the investment item unit cost of items that may be pur-
15 chased with operation and maintenance funds shall not
16 apply to the funds described in the preceding proviso: *Pro-*
17 *vided further*, That the transfer authority provided under
18 this heading is in addition to any other transfer authority
19 provided elsewhere in this Act.

20 OPERATION AND MAINTENANCE, ARMY RESERVE

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance, including training, or-
23 ganization, and administration, of the Army Reserve; re-
24 pair of facilities and equipment; hire of passenger motor
25 vehicles; travel and transportation; care of the dead; re-

1 recruiting; procurement of services, supplies, and equip-
2 ment; and communications, \$2,031,309,000.

3 OPERATION AND MAINTENANCE, NAVY RESERVE

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance, including training, or-
6 ganization, and administration, of the Navy Reserve; re-
7 pair of facilities and equipment; hire of passenger motor
8 vehicles; travel and transportation; care of the dead; re-
9 cruiting; procurement of services, supplies, and equip-
10 ment; and communications, \$1,171,921,000.

11 OPERATION AND MAINTENANCE, MARINE CORPS

12 RESERVE

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance, including training, or-
15 ganization, and administration, of the Marine Corps Re-
16 serve; repair of facilities and equipment; hire of passenger
17 motor vehicles; travel and transportation; care of the dead;
18 recruiting; procurement of services, supplies, and equip-
19 ment; and communications, \$173,952,000.

20 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance, including training, or-
23 ganization, and administration, of the Air Force Reserve;
24 repair of facilities and equipment; hire of passenger motor
25 vehicles; travel and transportation; care of the dead; re-

1 cruiting; procurement of services, supplies, and equip-
2 ment; and communications, \$2,144,188,000.

3 OPERATION AND MAINTENANCE, ARMY NATIONAL
4 GUARD

5 For expenses of training, organizing, and admin-
6 istering the Army National Guard, including medical and
7 hospital treatment and related expenses in non-Federal
8 hospitals; maintenance, operation, and repairs to struc-
9 tures and facilities; hire of passenger motor vehicles; per-
10 sonnel services in the National Guard Bureau; travel ex-
11 penses (other than mileage), as authorized by law for
12 Army personnel on active duty, for Army National Guard
13 division, regimental, and battalion commanders while in-
14 specting units in compliance with National Guard Bureau
15 regulations when specifically authorized by the Chief, Na-
16 tional Guard Bureau; supplying and equipping the Army
17 National Guard as authorized by law; and expenses of re-
18 pair, modification, maintenance, and issue of supplies and
19 equipment (including aircraft), \$4,325,231,000.

20 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

21 For operation and maintenance of the Air National
22 Guard, including medical and hospital treatment and re-
23 lated expenses in non-Federal hospitals; maintenance, op-
24 eration, repair, and other necessary expenses of facilities
25 for the training and administration of the Air National

1 Guard, including repair of facilities, maintenance, oper-
2 ation, and modification of aircraft; transportation of
3 things, hire of passenger motor vehicles; supplies, mate-
4 rials, and equipment, as authorized by law for the Air Na-
5 tional Guard; and expenses incident to the maintenance
6 and use of supplies, materials, and equipment, including
7 such as may be furnished from stocks under the control
8 of agencies of the Department of Defense; travel expenses
9 (other than mileage) on the same basis as authorized by
10 law for Air National Guard personnel on active Federal
11 duty, for Air National Guard commanders while inspecting
12 units in compliance with National Guard Bureau regula-
13 tions when specifically authorized by the Chief, National
14 Guard Bureau, \$4,424,046,000.

15 OVERSEAS CONTINGENCY OPERATIONS TRANSFER

16 ACCOUNT

17 (INCLUDING TRANSFER OF FUNDS)

18 For expenses directly relating to Overseas Contin-
19 gency Operations by United States military forces,
20 \$5,000,000, to remain available until expended: *Provided*,
21 That the Secretary of Defense may transfer these funds
22 only to military personnel accounts; operation and mainte-
23 nance accounts within this title; the Defense Health Pro-
24 gram appropriation; procurement accounts; research, de-
25 velopment, test and evaluation accounts; and to working

1 capital funds: *Provided further*, That the funds transferred
2 shall be merged with and shall be available for the same
3 purposes and for the same time period, as the appropria-
4 tion to which transferred: *Provided further*, That upon de-
5 termination that all or part of the funds transferred from
6 this appropriation are not necessary for the purposes pro-
7 vided herein, such amounts may be transferred back to
8 this appropriation: *Provided further*, That the transfer au-
9 thority provided in this paragraph is in addition to any
10 other transfer authority contained elsewhere in this Act.

11 UNITED STATES COURT OF APPEALS FOR THE ARMED
12 FORCES

13 For salaries and expenses necessary for the United
14 States Court of Appeals for the Armed Forces,
15 \$10,333,000, of which not to exceed \$2,500 can be used
16 for official representation purposes.

17 ENVIRONMENTAL RESTORATION, ARMY
18 (INCLUDING TRANSFER OF FUNDS)

19 For the Department of the Army, \$396,018,000, to
20 remain available until transferred: *Provided*, That the Sec-
21 retary of the Army shall, upon determining that such
22 funds are required for environmental restoration, reduc-
23 tion and recycling of hazardous waste, removal of unsafe
24 buildings and debris of the Department of the Army, or
25 for similar purposes, transfer the funds made available by

1 this appropriation to other appropriations made available
2 to the Department of the Army, to be merged with and
3 to be available for the same purposes and for the same
4 time period as the appropriations to which transferred:
5 *Provided further*, That upon a determination that all or
6 part of the funds transferred from this appropriation are
7 not necessary for the purposes provided herein, such
8 amounts may be transferred back to this appropriation.

9 ENVIRONMENTAL RESTORATION, NAVY

10 (INCLUDING TRANSFER OF FUNDS)

11 For the Department of the Navy, \$256,153,000, to
12 remain available until transferred: *Provided*, That the Sec-
13 retary of the Navy shall, upon determining that such
14 funds are required for environmental restoration, reduc-
15 tion and recycling of hazardous waste, removal of unsafe
16 buildings and debris of the Department of the Navy, or
17 for similar purposes, transfer the funds made available by
18 this appropriation to other appropriations made available
19 to the Department of the Navy, to be merged with and
20 to be available for the same purposes and for the same
21 time period as the appropriations to which transferred:
22 *Provided further*, That upon a determination that all or
23 part of the funds transferred from this appropriation are
24 not necessary for the purposes provided herein, such
25 amounts may be transferred back to this appropriation.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$384,307,000,
4 to remain available until transferred: *Provided*, That the
5 Secretary of the Air Force shall, upon determining that
6 such funds are required for environmental restoration, re-
7 duction and recycling of hazardous waste, removal of un-
8 safe buildings and debris of the Department of the Air
9 Force, or for similar purposes, transfer the funds made
10 available by this appropriation to other appropriations
11 made available to the Department of the Air Force, to be
12 merged with and to be available for the same purposes
13 and for the same time period as the appropriations to
14 which transferred: *Provided further*, That upon a deter-
15 mination that all or part of the funds transferred from
16 this appropriation are not necessary for the purposes pro-
17 vided herein, such amounts may be transferred back to
18 this appropriation.

19 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

20 (INCLUDING TRANSFER OF FUNDS)

21 For the Department of Defense, \$24,081,000, to re-
22 main available until transferred: *Provided*, That the Sec-
23 retary of Defense shall, upon determining that such funds
24 are required for environmental restoration, reduction and
25 recycling of hazardous waste, removal of unsafe buildings

1 and debris of the Department of Defense, or for similar
2 purposes, transfer the funds made available by this appro-
3 priation to other appropriations made available to the De-
4 partment of Defense, to be merged with and to be avail-
5 able for the same purposes and for the same time period
6 as the appropriations to which transferred: *Provided fur-*
7 *ther*, That upon a determination that all or part of the
8 funds transferred from this appropriation are not nec-
9 essary for the purposes provided herein, such amounts
10 may be transferred back to this appropriation.

11 ENVIRONMENTAL RESTORATION, FORMERLY USED

12 DEFENSE SITES

13 (INCLUDING TRANSFER OF FUNDS)

14 For the Department of the Army, \$221,369,000, to
15 remain available until transferred: *Provided*, That the Sec-
16 retary of the Army shall, upon determining that such
17 funds are required for environmental restoration, reduc-
18 tion and recycling of hazardous waste, removal of unsafe
19 buildings and debris at sites formerly used by the Depart-
20 ment of Defense, transfer the funds made available by this
21 appropriation to other appropriations made available to
22 the Department of the Army, to be merged with and to
23 be available for the same purposes and for the same time
24 period as the appropriations to which transferred: *Pro-*
25 *vided further*, That upon a determination that all or part

1 of the funds transferred from this appropriation are not
2 necessary for the purposes provided herein, such amounts
3 may be transferred back to this appropriation.

4 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

5 For expenses relating to the Overseas Humanitarian,
6 Disaster, and Civic Aid programs of the Department of
7 Defense (consisting of the programs provided under sec-
8 tions 401, 402, 404, 2547, and 2561 of title 10, United
9 States Code), \$59,000,000, to remain available until Sep-
10 tember 30, 2005.

11 FORMER SOVIET UNION THREAT REDUCTION

12 For assistance to the republics of the former Soviet
13 Union, including assistance provided by contract or by
14 grants, for facilitating the elimination and the safe and
15 secure transportation and storage of nuclear, chemical and
16 other weapons; for establishing programs to prevent the
17 proliferation of weapons, weapons components, and weap-
18 on-related technology and expertise; for programs relating
19 to the training and support of defense and military per-
20 sonnel for demilitarization and protection of weapons,
21 weapons components and weapons technology and exper-
22 tise, and for defense and military contacts, \$450,800,000,
23 to remain available until September 30, 2006.

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TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,180,785,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired,

1 shall be available only for advance procurement items for
2 the fifth and sixth Stryker Brigade Combat Teams.

3 PROCUREMENT OF AMMUNITION, ARMY

4 For construction, procurement, production, and
5 modification of ammunition, and accessories therefor; spe-
6 cialized equipment and training devices; expansion of pub-
7 lic and private plants, including ammunition facilities au-
8 thorized by section 2854 of title 10, United States Code,
9 and the land necessary therefor, for the foregoing pur-
10 poses, and such lands and interests therein, may be ac-
11 quired, and construction prosecuted thereon prior to ap-
12 proval of title; and procurement and installation of equip-
13 ment, appliances, and machine tools in public and private
14 plants; reserve plant and Government and contractor-
15 owned equipment layaway; and other expenses necessary
16 for the foregoing purposes, \$1,355,466,000, to remain
17 available for obligation until September 30, 2006.

18 OTHER PROCUREMENT, ARMY

19 For construction, procurement, production, and
20 modification of vehicles, including tactical, support, and
21 non-tracked combat vehicles; the purchase of passenger
22 motor vehicles for replacement only; and the purchase of
23 4 vehicles required for physical security of personnel, not-
24 withstanding price limitations applicable to passenger ve-
25 hicles but not to exceed \$180,000 per vehicle; communica-

1 tions and electronic equipment; other support equipment;
2 spare parts, ordnance, and accessories therefor; specialized
3 equipment and training devices; expansion of public and
4 private plants, including the land necessary therefor, for
5 the foregoing purposes, and such lands and interests
6 therein, may be acquired, and construction prosecuted
7 thereon prior to approval of title; and procurement and
8 installation of equipment, appliances, and machine tools
9 in public and private plants; reserve plant and Govern-
10 ment and contractor-owned equipment layaway; and other
11 expenses necessary for the foregoing purposes,
12 \$4,547,596,000, to remain available for obligation until
13 September 30, 2006.

14 AIRCRAFT PROCUREMENT, NAVY

15 For construction, procurement, production, modifica-
16 tion, and modernization of aircraft, equipment, including
17 ordnance, spare parts, and accessories therefor; specialized
18 equipment; expansion of public and private plants, includ-
19 ing the land necessary therefor, and such lands and inter-
20 ests therein, may be acquired, and construction prosecuted
21 thereon prior to approval of title; and procurement and
22 installation of equipment, appliances, and machine tools
23 in public and private plants; reserve plant and Govern-
24 ment and contractor-owned equipment layaway,

1 \$9,030,148,000, to remain available for obligation until
2 September 30, 2006.

3 WEAPONS PROCUREMENT, NAVY

4 For construction, procurement, production, modifica-
5 tion, and modernization of missiles, torpedoes, other weap-
6 ons, and related support equipment including spare parts,
7 and accessories therefor; expansion of public and private
8 plants, including the land necessary therefor, and such
9 lands and interests therein, may be acquired, and con-
10 struction prosecuted thereon prior to approval of title; and
11 procurement and installation of equipment, appliances,
12 and machine tools in public and private plants; reserve
13 plant and Government and contractor-owned equipment
14 layaway, \$2,205,634,000, to remain available for obliga-
15 tion until September 30, 2006.

16 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
17 CORPS

18 For construction, procurement, production, and
19 modification of ammunition, and accessories therefor; spe-
20 cialized equipment and training devices; expansion of pub-
21 lic and private plants, including ammunition facilities au-
22 thorized by section 2854 of title 10, United States Code,
23 and the land necessary therefor, for the foregoing pur-
24 poses, and such lands and interests therein, may be ac-
25 quired, and construction prosecuted thereon prior to ap-

1 proval of title; and procurement and installation of equip-
2 ment, appliances, and machine tools in public and private
3 plants; reserve plant and Government and contractor-
4 owned equipment layaway; and other expenses necessary
5 for the foregoing purposes, \$941,855,000, to remain avail-
6 able for obligation until September 30, 2006.

7 SHIPBUILDING AND CONVERSION, NAVY

8 For expenses necessary for the construction, acquisi-
9 tion, or conversion of vessels as authorized by law, includ-
10 ing armor and armament thereof, plant equipment, appli-
11 ances, and machine tools and installation thereof in public
12 and private plants; reserve plant and Government and con-
13 tractor-owned equipment layaway; procurement of critical,
14 long leadtime components and designs for vessels to be
15 constructed or converted in the future; and expansion of
16 public and private plants, including land necessary there-
17 for, and such lands and interests therein, may be acquired,
18 and construction prosecuted thereon prior to approval of
19 title, as follows:

20 Carrier Replacement Program, \$1,186,564,000;
21 Virginia Class Submarine, \$2,123,221,000;
22 SSGN Conversion, \$1,167,300,000;
23 Cruiser Conversion, \$194,440,000;
24 CVN Refueling Overhauls, \$367,832,000;
25 Submarine Refueling Overhauls, \$123,372,000;

1 DDG-51, \$3,198,311,000;
2 LHD-1 Amphibious Assault Ship,
3 \$355,006,000;
4 LPD-17, \$1,367,034,000;
5 Minehunter, SWATH, \$9,000,000;
6 Service Craft, \$39,480,000;
7 Landing Craft Air Cushion, LCAC,
8 \$73,087,000;
9 Prior Year Shipbuilding Program,
10 \$899,502,000; and
11 For outfitting, post delivery, conversions, and
12 first destination transportation, \$348,949,000.
13 In all: \$11,453,098,000, to remain available for obligation
14 until September 30, 2008: *Provided*, That additional obli-
15 gations may be incurred after September 30, 2008, for
16 engineering services, tests, evaluations, and other such
17 budgeted work that must be performed in the final stage
18 of ship construction: *Provided further*, That none of the
19 funds provided under this heading for the construction or
20 conversion of any naval vessel to be constructed in ship-
21 yards in the United States shall be expended in foreign
22 facilities for the construction of major components of such
23 vessel: *Provided further*, That none of the funds provided
24 under this heading shall be used for the construction of
25 any naval vessel in foreign shipyards.

1 OTHER PROCUREMENT, NAVY

2 For procurement, production, and modernization of
3 support equipment and materials not otherwise provided
4 for, Navy ordnance (except ordnance for new aircraft, new
5 ships, and ships authorized for conversion); the purchase
6 of passenger motor vehicles for replacement only, and the
7 purchase of 2 vehicles required for physical security of
8 personnel, notwithstanding price limitations applicable to
9 passenger carrying vehicles but not to exceed \$245,000
10 per unit; expansion of public and private plants, including
11 the land necessary therefor, and such lands and interests
12 therein, may be acquired, and construction prosecuted
13 thereon prior to approval of title; and procurement and
14 installation of equipment, appliances, and machine tools
15 in public and private plants; reserve plant and Govern-
16 ment and contractor-owned equipment layaway,
17 \$4,784,742,000, to remain available for obligation until
18 September 30, 2006.

19 PROCUREMENT, MARINE CORPS

20 For expenses necessary for the procurement, manu-
21 facture, and modification of missiles, armament, military
22 equipment, spare parts, and accessories therefor; plant
23 equipment, appliances, and machine tools, and installation
24 thereof in public and private plants; reserve plant and
25 Government and contractor-owned equipment layaway; ve-

1 hicles for the Marine Corps, including the purchase of pas-
2 senger motor vehicles for replacement only; and expansion
3 of public and private plants, including land necessary
4 therefor, and such lands and interests therein, may be ac-
5 quired, and construction prosecuted thereon prior to ap-
6 proval of title, \$1,200,499,000, to remain available for ob-
7 ligation until September 30, 2006.

8 AIRCRAFT PROCUREMENT, AIR FORCE

9 For construction, procurement, and modification of
10 aircraft and equipment, including armor and armament,
11 specialized ground handling equipment, and training de-
12 vices, spare parts, and accessories therefor; specialized
13 equipment; expansion of public and private plants, Gov-
14 ernment-owned equipment and installation thereof in such
15 plants, erection of structures, and acquisition of land, for
16 the foregoing purposes, and such lands and interests
17 therein, may be acquired, and construction prosecuted
18 thereon prior to approval of title; reserve plant and Gov-
19 ernment and contractor-owned equipment layaway; and
20 other expenses necessary for the foregoing purposes in-
21 cluding rents and transportation of things,
22 \$11,877,051,000, to remain available for obligation until
23 September 30, 2006.

1 MISSILE PROCUREMENT, AIR FORCE

2 For construction, procurement, and modification of
3 missiles, spacecraft, rockets, and related equipment, in-
4 cluding spare parts and accessories therefor, ground han-
5 dling equipment, and training devices; expansion of public
6 and private plants, Government-owned equipment and in-
7 stallation thereof in such plants, erection of structures,
8 and acquisition of land, for the foregoing purposes, and
9 such lands and interests therein, may be acquired, and
10 construction prosecuted thereon prior to approval of title;
11 reserve plant and Government and contractor-owned
12 equipment layaway; and other expenses necessary for the
13 foregoing purposes including rents and transportation of
14 things, \$4,235,505,000, to remain available for obligation
15 until September 30, 2006.

16 PROCUREMENT OF AMMUNITION, AIR FORCE

17 For construction, procurement, production, and
18 modification of ammunition, and accessories therefor; spe-
19 cialized equipment and training devices; expansion of pub-
20 lic and private plants, including ammunition facilities au-
21 thorized by section 2854 of title 10, United States Code,
22 and the land necessary therefor, for the foregoing pur-
23 poses, and such lands and interests therein, may be ac-
24 quired, and construction prosecuted thereon prior to ap-
25 proval of title; and procurement and installation of equip-

1 ment, appliances, and machine tools in public and private
2 plants; reserve plant and Government and contractor-
3 owned equipment layaway; and other expenses necessary
4 for the foregoing purposes, \$1,279,725,000, to remain
5 available for obligation until September 30, 2006.

6 OTHER PROCUREMENT, AIR FORCE

7 For procurement and modification of equipment (in-
8 cluding ground guidance and electronic control equipment,
9 and ground electronic and communication equipment),
10 and supplies, materials, and spare parts therefor, not oth-
11 erwise provided for; the purchase of passenger motor vehi-
12 cles for replacement only, and the purchase of 1 vehicle
13 required for physical security of personnel, notwith-
14 standing price limitations applicable to passenger vehicles
15 but not to exceed \$243,000 per vehicle; lease of passenger
16 motor vehicles; and expansion of public and private plants,
17 Government-owned equipment and installation thereof in
18 such plants, erection of structures, and acquisition of land,
19 for the foregoing purposes, and such lands and interests
20 therein, may be acquired, and construction prosecuted
21 thereon, prior to approval of title; reserve plant and Gov-
22 ernment and contractor-owned equipment layaway,
23 \$11,195,159,000, to remain available for obligation until
24 September 30, 2006.

1 PROCUREMENT, DEFENSE-WIDE

2 For expenses of activities and agencies of the Depart-
3 ment of Defense (other than the military departments)
4 necessary for procurement, production, and modification
5 of equipment, supplies, materials, and spare parts there-
6 for, not otherwise provided for; the purchase of passenger
7 motor vehicles for replacement only, including not to ex-
8 ceed 3 passenger motor vehicles for the Defense Security
9 Service; the purchase of 4 vehicles required for physical
10 security of personnel, notwithstanding price limitations
11 applicable to passenger vehicles but not to exceed
12 \$250,000 per vehicle; expansion of public and private
13 plants, equipment, and installation thereof in such plants,
14 erection of structures, and acquisition of land for the fore-
15 going purposes, and such lands and interests therein, may
16 be acquired, and construction prosecuted thereon prior to
17 approval of title; reserve plant and Government and con-
18 tractor-owned equipment layaway, \$3,803,776,000, to re-
19 main available for obligation until September 30, 2006.

20 NATIONAL GUARD AND RESERVE EQUIPMENT

21 For procurement of aircraft, missiles, tracked combat
22 vehicles, ammunition, other weapons, and other procure-
23 ment for the reserve components of the Armed Forces,
24 \$100,000,000, to remain available for obligation until Sep-
25 tember 30, 2006: *Provided*, That the Chiefs of the Reserve

1 and National Guard components shall, not later than 30
2 days after the enactment of this Act, individually submit
3 to the congressional defense committees the modernization
4 priority assessment for their respective Reserve or Na-
5 tional Guard component.

6 DEFENSE PRODUCTION ACT PURCHASES

7 For activities by the Department of Defense pursuant
8 to sections 108, 301, 302, and 303 of the Defense Produc-
9 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
10 2093), \$67,516,000, to remain available until expended.

11 TITLE IV

12 RESEARCH, DEVELOPMENT, TEST AND

13 EVALUATION

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

15 ARMY

16 For expenses necessary for basic and applied sci-
17 entific research, development, test and evaluation, includ-
18 ing maintenance, rehabilitation, lease, and operation of fa-
19 cilities and equipment, \$10,186,272,000, to remain avail-
20 able for obligation until September 30, 2005: *Provided,*
21 That of the amounts provided under this heading,
22 \$10,000,000 for Molecular Genetics and Musculoskeletal
23 Research in program element 0602787A, shall remain
24 available until expended.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, \$14,666,239,000, to remain avail-
7 able for obligation until September 30, 2005: *Provided*,
8 That funds appropriated in this paragraph which are
9 available for the V-22 may be used to meet unique oper-
10 ational requirements of the Special Operations Forces:
11 *Provided further*, That funds appropriated in this para-
12 graph shall be available for the Cobra Judy program.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 AIR FORCE

15 For expenses necessary for basic and applied sci-
16 entific research, development, test and evaluation, includ-
17 ing maintenance, rehabilitation, lease, and operation of fa-
18 cilities and equipment, \$20,704,267,000, to remain avail-
19 able for obligation until September 30, 2005.

20 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
21 DEFENSE-WIDE

22 For expenses of activities and agencies of the Depart-
23 ment of Defense (other than the military departments),
24 necessary for basic and applied scientific research, devel-
25 opment, test and evaluation; advanced research projects

1 as may be designated and determined by the Secretary
2 of Defense, pursuant to law; maintenance, rehabilitation,
3 lease, and operation of facilities and equipment,
4 \$18,763,791,000, to remain available for obligation until
5 September 30, 2005.

6 OPERATIONAL TEST AND EVALUATION, DEFENSE

7 For expenses, not otherwise provided for, necessary
8 for the independent activities of the Director, Operational
9 Test and Evaluation, in the direction and supervision of
10 operational test and evaluation, including initial oper-
11 ational test and evaluation which is conducted prior to,
12 and in support of, production decisions; joint operational
13 testing and evaluation; and administrative expenses in
14 connection therewith, \$293,661,000, to remain available
15 for obligation until September 30, 2005.

16 TITLE V

17 REVOLVING AND MANAGEMENT FUNDS

18 DEFENSE WORKING CAPITAL FUNDS

19 For the Defense Working Capital Funds,
20 \$1,721,507,000.

21 NATIONAL DEFENSE SEALIFT FUND

22 For National Defense Sealift Fund programs,
23 projects, and activities, and for expenses of the National
24 Defense Reserve Fleet, as established by section 11 of the
25 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),

1 and for the necessary expenses to maintain and preserve
2 a U.S.-flag merchant fleet to serve the national security
3 needs of the United States, \$1,066,462,000, to remain
4 available until expended: *Provided*, That none of the funds
5 provided in this paragraph shall be used to award a new
6 contract that provides for the acquisition of any of the
7 following major components unless such components are
8 manufactured in the United States: auxiliary equipment,
9 including pumps, for all shipboard services; propulsion
10 system components (that is; engines, reduction gears, and
11 propellers); shipboard cranes; and spreaders for shipboard
12 cranes: *Provided further*, That the exercise of an option
13 in a contract awarded through the obligation of previously
14 appropriated funds shall not be considered to be the award
15 of a new contract: *Provided further*, That the Secretary
16 of the military department responsible for such procure-
17 ment may waive the restrictions in the first proviso on
18 a case-by-case basis by certifying in writing to the Com-
19 mittees on Appropriations of the House of Representatives
20 and the Senate that adequate domestic supplies are not
21 available to meet Department of Defense requirements on
22 a timely basis and that such an acquisition must be made
23 in order to acquire capability for national security pur-
24 poses: *Provided further*, That, notwithstanding any other
25 provision of law, \$6,500,000 of the funds available under

1 this heading shall be available in addition to other
2 amounts otherwise available, only to finance the cost of
3 constructing additional sealift capacity.

4 TITLE VI

5 OTHER DEPARTMENT OF DEFENSE PROGRAMS

6 DEFENSE HEALTH PROGRAM

7 For expenses, not otherwise provided for, for medical
8 and health care programs of the Department of Defense,
9 as authorized by law, \$15,613,159,000, of which
10 \$14,874,037,000 shall be for Operation and maintenance,
11 of which not to exceed 2 percent shall remain available
12 until September 30, 2005; of which \$328,826,000, to re-
13 main available for obligation until September 30, 2006,
14 shall be for Procurement; and of which \$410,296,000, to
15 remain available for obligation until September 30, 2005,
16 shall be for Research, development, test and evaluation.

17 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

18 ARMY

19 For expenses, not otherwise provided for, necessary
20 for the destruction of the United States stockpile of lethal
21 chemical agents and munitions in accordance with the pro-
22 visions of section 1412 of the Department of Defense Au-
23 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
24 struction of other chemical warfare materials that are not
25 in the chemical weapon stockpile, \$1,533,261,000, of

1 which \$1,199,168,000 shall be for Operation and mainte-
2 nance to remain available until September 30, 2005;
3 \$79,212,000 shall be for Procurement to remain available
4 until September 30, 2006; \$254,881,000 shall be for Re-
5 search, development, test and evaluation to remain avail-
6 able until September 30, 2005; and no more than
7 \$132,677,000 may be for the Chemical Stockpile Emer-
8 gency Preparedness Program, of which \$44,168,000 shall
9 be for activities on military installations and \$88,509,000
10 shall be to assist state and local governments.

11 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

12 DEFENSE

13 (INCLUDING TRANSFER OF FUNDS)

14 For drug interdiction and counter-drug activities of
15 the Department of Defense, for transfer to appropriations
16 available to the Department of Defense for military per-
17 sonnel of the reserve components serving under the provi-
18 sions of title 10 and title 32, United States Code; for Op-
19 eration and maintenance; for Procurement; and for Re-
20 search, development, test and evaluation, \$817,371,000:
21 *Provided*, That the funds appropriated under this heading
22 shall be available for obligation for the same time period
23 and for the same purpose as the appropriation to which
24 transferred: *Provided further*, That upon a determination
25 that all or part of the funds transferred from this appro-

1 priation are not necessary for the purposes provided here-
2 in, such amounts may be transferred back to this appro-
3 priation: *Provided further*, That the transfer authority pro-
4 vided under this heading is in addition to any other trans-
5 fer authority contained elsewhere in this Act.

6 OFFICE OF THE INSPECTOR GENERAL

7 For expenses and activities of the Office of the In-
8 spector General in carrying out the provisions of the In-
9 spector General Act of 1978, as amended, \$162,449,000,
10 of which \$160,049,000 shall be for Operation and mainte-
11 nance, of which not to exceed \$700,000 is available for
12 emergencies and extraordinary expenses to be expended on
13 the approval or authority of the Inspector General, and
14 payments may be made on the Inspector General's certifi-
15 cate of necessity for confidential military purposes; and
16 of which \$300,000 to remain available until September 30,
17 2005, shall be for Research, Development, Test and Eval-
18 uation; and of which \$2,100,000, to remain available until
19 September 30, 2006, shall be for Procurement.

20 TITLE VII

21 RELATED AGENCIES

22 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
23 DISABILITY SYSTEM FUND

24 For payment to the Central Intelligence Agency Re-
25 tirement and Disability System Fund, to maintain the

1 proper funding level for continuing the operation of the
2 Central Intelligence Agency Retirement and Disability
3 System, \$226,400,000.

4 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT
5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses of the Intelligence Commu-
7 nity Management Account, \$170,640,000, of which
8 \$26,081,000 for the Advanced Research and Development
9 Committee shall remain available until September 30,
10 2005: *Provided*, That of the funds appropriated under this
11 heading, \$46,100,000 shall be transferred to the Depart-
12 ment of Justice for the National Drug Intelligence Center
13 to support the Department of Defense's counter-drug in-
14 telligence responsibilities, and of the said amount,
15 \$1,500,000 for Procurement shall remain available until
16 September 30, 2006 and \$1,000,000 for Research, devel-
17 opment, test and evaluation shall remain available until
18 September 30, 2005: *Provided further*, That the National
19 Drug Intelligence Center shall maintain the personnel and
20 technical resources to provide timely support to law en-
21 forcement authorities and the intelligence community by
22 conducting document and computer exploitation of mate-
23 rials collected in Federal, State, and local law enforcement
24 activity associated with counter-drug, counter-terrorism,
25 and national security investigations and operations.

1 NATIONAL SECURITY EDUCATION TRUST FUND

2 For the purposes of title VIII of Public Law 102–
3 183, \$8,000,000, to be derived from the National Security
4 Education Trust Fund, to remain available until ex-
5 pended.

6 TITLE VIII

7 GENERAL PROVISIONS

8 SEC. 8001. No part of any appropriation contained
9 in this Act shall be used for publicity or propaganda pur-
10 poses not authorized by the Congress.

11 SEC. 8002. During the current fiscal year, provisions
12 of law prohibiting the payment of compensation to, or em-
13 ployment of, any person not a citizen of the United States
14 shall not apply to personnel of the Department of Defense:
15 *Provided*, That salary increases granted to direct and indi-
16 rect hire foreign national employees of the Department of
17 Defense funded by this Act shall not be at a rate in excess
18 of the percentage increase authorized by law for civilian
19 employees of the Department of Defense whose pay is
20 computed under the provisions of section 5332 of title 5,
21 United States Code, or at a rate in excess of the percent-
22 age increase provided by the appropriate host nation to
23 its own employees, whichever is higher: *Provided further*,
24 That this section shall not apply to Department of De-
25 fense foreign service national employees serving at United

1 States diplomatic missions whose pay is set by the Depart-
2 ment of State under the Foreign Service Act of 1980: *Pro-*
3 *vided further*, That the limitations of this provision shall
4 not apply to foreign national employees of the Department
5 of Defense in the Republic of Turkey.

6 SEC. 8003. No part of any appropriation contained
7 in this Act shall remain available for obligation beyond
8 the current fiscal year, unless expressly so provided herein.

9 SEC. 8004. No more than 20 percent of the appro-
10 priations in this Act which are limited for obligation dur-
11 ing the current fiscal year shall be obligated during the
12 last 2 months of the fiscal year: *Provided*, That this sec-
13 tion shall not apply to obligations for support of active
14 duty training of reserve components or summer camp
15 training of the Reserve Officers' Training Corps.

16 (TRANSFER OF FUNDS)

17 SEC. 8005. Upon determination by the Secretary of
18 Defense that such action is necessary in the national inter-
19 est, he may, with the approval of the Office of Manage-
20 ment and Budget, transfer not to exceed \$2,500,000,000
21 of working capital funds of the Department of Defense
22 or funds made available in this Act to the Department
23 of Defense for military functions (except military con-
24 struction) between such appropriations or funds or any
25 subdivision thereof, to be merged with and to be available
26 for the same purposes, and for the same time period, as

1 the appropriation or fund to which transferred: *Provided*,
2 That such authority to transfer may not be used unless
3 for higher priority items, based on unforeseen military re-
4 quirements, than those for which originally appropriated
5 and in no case where the item for which funds are re-
6 quested has been denied by the Congress: *Provided further*,
7 That the Secretary of Defense shall notify the Congress
8 promptly of all transfers made pursuant to this authority
9 or any other authority in this Act: *Provided further*, That
10 no part of the funds in this Act shall be available to pre-
11 pare or present a request to the Committees on Appropria-
12 tions for reprogramming of funds, unless for higher pri-
13 ority items, based on unforeseen military requirements,
14 than those for which originally appropriated and in no
15 case where the item for which reprogramming is requested
16 has been denied by the Congress: *Provided further*, That
17 a request for multiple reprogrammings of funds using au-
18 thority provided in this section must be made prior to May
19 31, 2004.

20 (TRANSFER OF FUNDS)

21 SEC. 8006. During the current fiscal year, cash bal-
22 ances in working capital funds of the Department of De-
23 fense established pursuant to section 2208 of title 10,
24 United States Code, may be maintained in only such
25 amounts as are necessary at any time for cash disburse-
26 ments to be made from such funds: *Provided*, That trans-

1 fers may be made between such funds: *Provided further*,
2 That transfers may be made between working capital
3 funds and the “Foreign Currency Fluctuations, Defense”
4 appropriation and the “Operation and Maintenance” ap-
5 propriation accounts in such amounts as may be deter-
6 mined by the Secretary of Defense, with the approval of
7 the Office of Management and Budget, except that such
8 transfers may not be made unless the Secretary of Defense
9 has notified the Congress of the proposed transfer. Except
10 in amounts equal to the amounts appropriated to working
11 capital funds in this Act, no obligations may be made
12 against a working capital fund to procure or increase the
13 value of war reserve material inventory, unless the Sec-
14 retary of Defense has notified the Congress prior to any
15 such obligation.

16 SEC. 8007. Funds appropriated by this Act may not
17 be used to initiate a special access program without prior
18 notification 30 calendar days in session in advance to the
19 congressional defense committees.

20 SEC. 8008. None of the funds provided in this Act
21 shall be available to initiate: (1) a multiyear contract that
22 employs economic order quantity procurement in excess of
23 \$20,000,000 in any 1 year of the contract or that includes
24 an unfunded contingent liability in excess of \$20,000,000;
25 or (2) a contract for advance procurement leading to a

1 multiyear contract that employs economic order quantity
2 procurement in excess of \$20,000,000 in any 1 year, un-
3 less the congressional defense committees have been noti-
4 fied at least 30 days in advance of the proposed contract
5 award: *Provided*, That no part of any appropriation con-
6 tained in this Act shall be available to initiate a multiyear
7 contract for which the economic order quantity advance
8 procurement is not funded at least to the limits of the
9 Government's liability: *Provided further*, That no part of
10 any appropriation contained in this Act shall be available
11 to initiate multiyear procurement contracts for any sys-
12 tems or component thereof if the value of the multiyear
13 contract would exceed \$500,000,000 unless specifically
14 provided in this Act: *Provided further*, That no multiyear
15 procurement contract can be terminated without 10-day
16 prior notification to the congressional defense committees:
17 *Provided further*, That the execution of multiyear author-
18 ity shall require the use of a present value analysis to de-
19 termine lowest cost compared to an annual procurement.

20 Funds appropriated in title III of this Act may be
21 used for multiyear procurement contracts as follows:

- 22 F/A-18 aircraft;
- 23 E-2C aircraft; and
- 24 Tactical Tomahawk missile.

1 SEC. 8009. Within the funds appropriated for the op-
2 eration and maintenance of the Armed Forces, funds are
3 hereby appropriated pursuant to section 401 of title 10,
4 United States Code, for humanitarian and civic assistance
5 costs under chapter 20 of title 10, United States Code.
6 Such funds may also be obligated for humanitarian and
7 civic assistance costs incidental to authorized operations
8 and pursuant to authority granted in section 401 of chap-
9 ter 20 of title 10, United States Code, and these obliga-
10 tions shall be reported as required by section 401(d) of
11 title 10, United States Code: *Provided*, That funds avail-
12 able for operation and maintenance shall be available for
13 providing humanitarian and similar assistance by using
14 Civic Action Teams in the Trust Territories of the Pacific
15 Islands and freely associated states of Micronesia, pursu-
16 ant to the Compact of Free Association as authorized by
17 Public Law 99–239: *Provided further*, That upon a deter-
18 mination by the Secretary of the Army that such action
19 is beneficial for graduate medical education programs con-
20 ducted at Army medical facilities located in Hawaii, the
21 Secretary of the Army may authorize the provision of med-
22 ical services at such facilities and transportation to such
23 facilities, on a nonreimbursable basis, for civilian patients
24 from American Samoa, the Commonwealth of the North-

1 ern Mariana Islands, the Marshall Islands, the Federated
2 States of Micronesia, Palau, and Guam.

3 SEC. 8010. (a) During fiscal year 2004, the civilian
4 personnel of the Department of Defense may not be man-
5 aged on the basis of any end-strength, and the manage-
6 ment of such personnel during that fiscal year shall not
7 be subject to any constraint or limitation (known as an
8 end-strength) on the number of such personnel who may
9 be employed on the last day of such fiscal year.

10 (b) The fiscal year 2005 budget request for the De-
11 partment of Defense as well as all justification material
12 and other documentation supporting the fiscal year 2005
13 Department of Defense budget request shall be prepared
14 and submitted to the Congress as if subsections (a) and
15 (b) of this provision were effective with regard to fiscal
16 year 2005.

17 (c) Nothing in this section shall be construed to apply
18 to military (civilian) technicians.

19 SEC. 8011. Notwithstanding any other provision of
20 law, none of the funds made available by this Act shall
21 be used by the Department of Defense to exceed, outside
22 the 50 United States, its territories, and the District of
23 Columbia, 125,000 civilian workyears: *Provided*, That
24 workyears shall be applied as defined in the Federal Per-
25 sonnel Manual: *Provided further*, That workyears ex-

1 pending in dependent student hiring programs for dis-
2 advantaged youths shall not be included in this workyear
3 limitation.

4 SEC. 8012. None of the funds made available by this
5 Act shall be used in any way, directly or indirectly, to in-
6 fluence congressional action on any legislation or appro-
7 priation matters pending before the Congress.

8 SEC. 8013. None of the funds appropriated by this
9 Act shall be available for the basic pay and allowances of
10 any member of the Army participating as a full-time stu-
11 dent and receiving benefits paid by the Secretary of Vet-
12 erans Affairs from the Department of Defense Education
13 Benefits Fund when time spent as a full-time student is
14 credited toward completion of a service commitment: *Pro-*
15 *vided*, That this subsection shall not apply to those mem-
16 bers who have reenlisted with this option prior to October
17 1, 1987: *Provided further*, That this subsection applies
18 only to active components of the Army.

19 SEC. 8014. None of the funds appropriated by this
20 Act shall be available to convert to contractor performance
21 an activity or function of the Department of Defense that,
22 on or after the date of the enactment of this Act, is per-
23 formed by more than 10 Department of Defense civilian
24 employees unless such conversion is based on the result
25 of a public-private competition that includes a most effi-

1 cient and cost effective organization plan developed by
2 such activity or function and the Competitive Sourcing Of-
3 ficial certifies that the projected savings of the competition
4 exceed the minimum conversion differential for such activ-
5 ity or function: *Provided*, That this section shall not apply
6 in circumstances in which the Department of Defense pub-
7 lishes in the Federal Register a determination that compli-
8 ance would have an adverse impact on national security:
9 *Provided further*, That this section and subsections (a),
10 (b), and (c) of 10 U.S.C. 2461 shall not apply to a com-
11 mercial or industrial type function of the Department of
12 Defense that: (1) is included on the procurement list es-
13 tablished pursuant to section 2 of the Act of June 25,
14 1938 (41 U.S.C. 47), popularly referred to as the Javits-
15 Wagner-O'Day Act; (2) is planned to be converted to per-
16 formance by a qualified nonprofit agency for the blind or
17 by a qualified nonprofit agency for other severely handi-
18 capped individuals in accordance with that Act; or (3) is
19 planned to be converted to performance by a qualified firm
20 under 51 percent ownership by an Indian tribe, as defined
21 in section 450b(e) of title 25, United States Code, or a
22 Native Hawaiian organization, as defined in section
23 637(a)(15) of title 15, United States Code.

24 (TRANSFER OF FUNDS)

25 SEC. 8015. Funds appropriated in title III of this Act
26 for the Department of Defense Pilot Mentor-Protege Pro-

1 gram may be transferred to any other appropriation con-
2 tained in this Act solely for the purpose of implementing
3 a Mentor-Protege Program developmental assistance
4 agreement pursuant to section 831 of the National De-
5 fense Authorization Act for Fiscal Year 1991 (Public Law
6 101-510; 10 U.S.C. 2301 note), as amended, under the
7 authority of this provision or any other transfer authority
8 contained in this Act.

9 SEC. 8016. None of the funds in this Act may be
10 available for the purchase by the Department of Defense
11 (and its departments and agencies) of welded shipboard
12 anchor and mooring chain 4 inches in diameter and under
13 unless the anchor and mooring chain are manufactured
14 in the United States from components which are substan-
15 tially manufactured in the United States: *Provided*, That
16 for the purpose of this section manufactured will include
17 cutting, heat treating, quality control, testing of chain and
18 welding (including the forging and shot blasting process):
19 *Provided further*, That for the purpose of this section sub-
20 stantially all of the components of anchor and mooring
21 chain shall be considered to be produced or manufactured
22 in the United States if the aggregate cost of the compo-
23 nents produced or manufactured in the United States ex-
24 ceeds the aggregate cost of the components produced or
25 manufactured outside the United States: *Provided further*,

1 That when adequate domestic supplies are not available
2 to meet Department of Defense requirements on a timely
3 basis, the Secretary of the service responsible for the pro-
4 curement may waive this restriction on a case-by-case
5 basis by certifying in writing to the Committees on Appro-
6 priations that such an acquisition must be made in order
7 to acquire capability for national security purposes.

8 SEC. 8017. None of the funds appropriated by this
9 Act available for the Civilian Health and Medical Program
10 of the Uniformed Services (CHAMPUS) or TRICARE
11 shall be available for the reimbursement of any health care
12 provider for inpatient mental health service for care re-
13 ceived when a patient is referred to a provider of inpatient
14 mental health care or residential treatment care by a med-
15 ical or health care professional having an economic inter-
16 est in the facility to which the patient is referred: *Pro-*
17 *vided*, That this limitation does not apply in the case of
18 inpatient mental health services provided under the pro-
19 gram for persons with disabilities under subsection (d) of
20 section 1079 of title 10, United States Code, provided as
21 partial hospital care, or provided pursuant to a waiver au-
22 thorized by the Secretary of Defense because of medical
23 or psychological circumstances of the patient that are con-
24 firmed by a health professional who is not a Federal em-
25 ployee after a review, pursuant to rules prescribed by the

1 Secretary, which takes into account the appropriate level
2 of care for the patient, the intensity of services required
3 by the patient, and the availability of that care.

4 SEC. 8018. (a) During the current fiscal year and
5 hereafter, the Secretary of Defense may, by executive
6 agreement, establish with the government of any North
7 Atlantic Treaty Organization member nation a separate
8 account into which residual value amounts negotiated with
9 that nation in the return of United States military instal-
10 lations in that nation may be deposited, in lieu of direct
11 monetary transfers to the United States Treasury. Any
12 such deposit may be made in the currency of the host na-
13 tion. Amounts in such an account shall be treated as cred-
14 its to that host nation and may be used only as specified
15 in subsection (b).

16 (b) Amounts deposited by a host nation in an account
17 as provided for in an agreement under subsection (a) may
18 be used—

19 (1) subject to subsection (c), for the construc-
20 tion of facilities to support United States military
21 forces in that host nation; or

22 (2) for such real property maintenance and
23 base operating costs at United States military instal-
24 lations in that host nation that are currently exe-

1 cuted through monetary transfers to such host na-
2 tion.

3 (c) A military construction project may be executed
4 from an account established under this section only if the
5 project has been previously authorized by law.

6 (d) In the budget justification materials submitted to
7 Congress in support of the President’s budget for the De-
8 partment of Defense for any fiscal year, the Secretary of
9 Defense shall identify—

10 (1) amounts anticipated to be received during
11 that fiscal year in residual value settlements under
12 this section; and

13 (2) such construction, real property mainte-
14 nance, and base operating costs that shall be funded
15 by the host nation during that fiscal year through
16 such credits under an agreement under this section.

17 (e)(1) The Secretary of Defense shall report any exec-
18 utive agreement with a NATO member nation under this
19 section to the congressional committees specified in para-
20 graph (2) not less than 30 days before the conclusion and
21 endorsement of the agreement.

22 (2) The committees referred to in paragraph (1) are
23 the congressional defense committees, the Committee on
24 International Relations of the House of Representatives,
25 and the Committee on Foreign Relations of the Senate.

1 SEC. 8019. None of the funds available to the De-
2 partment of Defense may be used to demilitarize or dis-
3 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
4 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

5 SEC. 8020. No more than \$500,000 of the funds ap-
6 propriated or made available in this Act shall be used dur-
7 ing a single fiscal year for any single relocation of an orga-
8 nization, unit, activity or function of the Department of
9 Defense into or within the National Capital Region: *Pro-*
10 *vided*, That the Secretary of Defense may waive this re-
11 striction on a case-by-case basis by certifying in writing
12 to the congressional defense committees that such a relo-
13 cation is required in the best interest of the Government.

14 SEC. 8021. In addition to the funds provided else-
15 where in this Act, \$8,000,000 is appropriated only for in-
16 centive payments authorized by Section 504 of the Indian
17 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That
18 a prime contractor or a subcontractor at any tier that
19 makes a subcontract award to any subcontractor or sup-
20 plier as defined in 25 U.S.C. 1544 or a small business
21 owned and controlled by an individual defined under 25
22 U.S.C. 4221(9) shall be considered a contractor for the
23 purposes of being allowed additional compensation under
24 section 504 of the Indian Financing Act of 1974 (25
25 U.S.C. 1544) whenever the prime contract or subcontract

1 amount is over \$500,000 and involves the expenditure of
2 funds appropriated by an Act making Appropriations for
3 the Department of Defense with respect to any fiscal year:
4 *Provided further*, That notwithstanding 41 U.S.C. § 430,
5 this section shall be applicable to any Department of De-
6 fense acquisition of supplies or services, including any con-
7 tract and any subcontract at any tier for acquisition of
8 commercial items produced or manufactured, in whole or
9 in part by any subcontractor or supplier defined in 25
10 U.S.C. § 1544 or a small business owned and controlled
11 by an individual defined under 25 U.S.C. 4221(9).

12 SEC. 8022. None of the funds appropriated by this
13 Act shall be available to perform any cost study pursuant
14 to the provisions of OMB Circular A-76 if the study being
15 performed exceeds a period of 24 months after initiation
16 of such study with respect to a single function activity or
17 48 months after initiation of such study for a multi-func-
18 tion activity.

19 SEC. 8023. Funds appropriated by this Act for the
20 American Forces Information Service shall not be used for
21 any national or international political or psychological ac-
22 tivities.

23 SEC. 8024. Notwithstanding any other provision of
24 law or regulation, the Secretary of Defense may adjust
25 wage rates for civilian employees hired for certain health

1 care occupations as authorized for the Secretary of Vet-
2 erans Affairs by section 7455 of title 38, United States
3 Code.

4 SEC. 8025. (a) The Secretary of Defense shall afford
5 qualified nonprofit agencies for the blind or other severely
6 handicapped the maximum practicable opportunity to par-
7 ticipate as subcontractors and suppliers in the perform-
8 ance of contracts for the procurement of supplies or serv-
9 ices that are let by the Department of Defense using funds
10 appropriated for military functions of the Department of
11 Defense (other than for military construction or military
12 family housing).

13 (b) A business concern that has negotiated with the
14 Secretary of a military department or the director of a
15 Defense Agency a subcontracting plan for the participa-
16 tion by small business concerns pursuant to section 8(d)
17 of the Small Business Act (15 U.S.C. 637(d)) shall be
18 given credit toward meeting that subcontracting goal for
19 any purchase made from a qualified nonprofit agency for
20 the blind or other severely handicapped.

21 (c) For the purpose of this section, the term “quali-
22 fied nonprofit agency for the blind or other severely handi-
23 capped” means a nonprofit agency for the blind, or a non-
24 profit agency for other severely handicapped, that has
25 been approved by the Committee for the Purchase from

1 the Blind and Other Severely Handicapped under the Jav-
2 its-Wagner-O'Day Act (41 U.S.C. 46–48).

3 (d) This section shall apply during the current fiscal
4 year and hereafter.

5 SEC. 8026. During the current fiscal year, net re-
6 ceipts pursuant to collections from third party payers pur-
7 suant to section 1095 of title 10, United States Code, shall
8 be made available to the local facility of the uniformed
9 services responsible for the collections and shall be over
10 and above the facility's direct budget amount.

11 SEC. 8027. During the current fiscal year, the De-
12 partment of Defense is authorized to incur obligations of
13 not to exceed \$350,000,000 for purposes specified in sec-
14 tion 2350j(c) of title 10, United States Code, in anticipa-
15 tion of receipt of contributions, only from the Government
16 of Kuwait, under that section: *Provided*, That upon re-
17 ceipt, such contributions from the Government of Kuwait
18 shall be credited to the appropriations or fund which in-
19 curred such obligations.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8028. (a) Of the funds made available in this
22 Act, not less than \$32,758,000 shall be available for the
23 Civil Air Patrol Corporation, of which—

24 (1) \$21,432,000 shall be available from “Oper-
25 ation and Maintenance, Air Force” to support Civil
26 Air Patrol Corporation operation and maintenance,

1 readiness, counterdrug activities, and drug demand
2 reduction activities involving youth programs;

3 (2) \$10,540,000 shall be available from “Air-
4 craft Procurement, Air Force”; and

5 (3) \$786,000 shall be available from “Other
6 Procurement, Air Force” for vehicle procurement.

7 (b) Notwithstanding section 9445 of title 10, United
8 States Code, or any other provision of law, of the funds
9 made available to the Civil Air Patrol Corporation in this
10 Act under the heading “Aircraft Procurement, Air Force”,
11 not more than \$770,000 may be transferred by the Sec-
12 retary of the Air Force to the “Operation and Mainte-
13 nance, Air Force” appropriation to be merged with and
14 to be available for administrative expenses incurred by the
15 Air Force in the administration of Civil Air Patrol Cor-
16 poration. Funds so transferred shall be available for the
17 same period as the appropriation to which transferred.

18 (c) The Secretary of the Air Force should waive reim-
19 bursement for any funds used by the Civil Air Patrol for
20 counter-drug activities in support of Federal State, and
21 local government agencies.

22 SEC. 8029. (a) None of the funds appropriated in this
23 Act are available to establish a new Department of De-
24 fense (department) federally funded research and develop-
25 ment center (FFRDC), either as a new entity, or as a

1 separate entity administrated by an organization man-
2 aging another FFRDC, or as a nonprofit membership cor-
3 poration consisting of a consortium of other FFRDCs and
4 other non-profit entities.

5 (b) No member of a Board of Directors, Trustees,
6 Overseers, Advisory Group, Special Issues Panel, Visiting
7 Committee, or any similar entity of a defense FFRDC,
8 and no paid consultant to any defense FFRDC, except
9 when acting in a technical advisory capacity, may be com-
10 pensated for his or her services as a member of such enti-
11 ty, or as a paid consultant by more than one FFRDC in
12 a fiscal year: *Provided*, That a member of any such entity
13 referred to previously in this subsection shall be allowed
14 travel expenses and per diem as authorized under the Fed-
15 eral Joint Travel Regulations, when engaged in the per-
16 formance of membership duties.

17 (c) Notwithstanding any other provision of law, none
18 of the funds available to the department from any source
19 during fiscal year 2004 may be used by a defense FFRDC,
20 through a fee or other payment mechanism, for construc-
21 tion of new buildings, for payment of cost sharing for
22 projects funded by Government grants, for absorption of
23 contract overruns, or for certain charitable contributions,
24 not to include employee participation in community service
25 and/or development.

1 (d) Notwithstanding any other provision of law, of
2 the funds available to the department during fiscal year
3 2004, not more than 6,321 staff years of technical effort
4 (staff years) may be funded for defense FFRDCs: *Pro-*
5 *vided*, That of the specific amount referred to previously
6 in this subsection, not more than 1,050 staff years may
7 be funded for the defense studies and analysis FFRDCs.

8 (e) The Secretary of Defense shall, with the submis-
9 sion of the department's fiscal year 2005 budget request,
10 submit a report presenting the specific amounts of staff
11 years of technical effort to be allocated for each defense
12 FFRDC during that fiscal year.

13 (f) Notwithstanding any other provision of this Act,
14 the total amount appropriated in this Act for FFRDCs
15 is hereby reduced by \$74,200,000.

16 SEC. 8030. None of the funds appropriated or made
17 available in this Act shall be used to procure carbon, alloy
18 or armor steel plate for use in any Government-owned fa-
19 cility or property under the control of the Department of
20 Defense which were not melted and rolled in the United
21 States or Canada: *Provided*, That these procurement re-
22 strictions shall apply to any and all Federal Supply Class
23 9515, American Society of Testing and Materials (ASTM)
24 or American Iron and Steel Institute (AISI) specifications
25 of carbon, alloy or armor steel plate: *Provided further*,

1 That the Secretary of the military department responsible
2 for the procurement may waive this restriction on a case-
3 by-case basis by certifying in writing to the Committees
4 on Appropriations of the House of Representatives and the
5 Senate that adequate domestic supplies are not available
6 to meet Department of Defense requirements on a timely
7 basis and that such an acquisition must be made in order
8 to acquire capability for national security purposes: *Pro-*
9 *vided further*, That these restrictions shall not apply to
10 contracts which are in being as of the date of the enact-
11 ment of this Act.

12 SEC. 8031. For the purposes of this Act, the term
13 “congressional defense committees” means the Armed
14 Services Committee of the House of Representatives, the
15 Armed Services Committee of the Senate, the Sub-
16 committee on Defense of the Committee on Appropriations
17 of the Senate, and the Subcommittee on Defense of the
18 Committee on Appropriations of the House of Representa-
19 tives.

20 SEC. 8032. (a) During the current fiscal year and
21 hereafter, the Department of Defense may acquire the
22 modification, depot maintenance, and repair of aircraft,
23 vehicles, and vessels, as well as the production of compo-
24 nents and other Defense-related articles, through competi-

1 tion between Department of Defense depot maintenance
2 activities and private firms.

3 (b) In the case of a competition conducted under this
4 section, the Senior Acquisition Executive of the military
5 department or Defense Agency concerned shall certify that
6 the successful bid includes comparable estimates of all di-
7 rect and indirect costs for bids submitted both by Depart-
8 ment of Defense depot maintenance activities and by pri-
9 vate firms. The authority of the Senior Acquisition Execu-
10 tive under this section may be delegated.

11 (c) Office of Management and Budget Circular A-
12 76 shall not apply to a competition conducted under this
13 section.

14 SEC. 8033. (a)(1) If the Secretary of Defense, after
15 consultation with the United States Trade Representative,
16 determines that a foreign country which is party to an
17 agreement described in paragraph (2) has violated the
18 terms of the agreement by discriminating against certain
19 types of products produced in the United States that are
20 covered by the agreement, the Secretary of Defense shall
21 rescind the Secretary's blanket waiver of the Buy Amer-
22 ican Act with respect to such types of products produced
23 in that foreign country.

24 (2) An agreement referred to in paragraph (1) is any
25 reciprocal defense procurement memorandum of under-

1 standing, between the United States and a foreign country
2 pursuant to which the Secretary of Defense has prospec-
3 tively waived the Buy American Act for certain products
4 in that country.

5 (b) The Secretary of Defense shall submit to the Con-
6 gress a report on the amount of Department of Defense
7 purchases from foreign entities in fiscal year 2004. Such
8 report shall separately indicate the dollar value of items
9 for which the Buy American Act was waived pursuant to
10 any agreement described in subsection (a)(2), the Trade
11 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
12 international agreement to which the United States is a
13 party.

14 (c) For purposes of this section, the term “Buy
15 American Act” means title III of the Act entitled “An Act
16 making appropriations for the Treasury and Post Office
17 Departments for the fiscal year ending June 30, 1934,
18 and for other purposes”, approved March 3, 1933 (41
19 U.S.C. 10a et seq.).

20 SEC. 8034. Appropriations contained in this Act that
21 remain available at the end of the current fiscal year as
22 a result of energy cost savings realized by the Department
23 of Defense shall remain available for obligation for the
24 next fiscal year to the extent, and for the purposes, pro-
25 vided in section 2865 of title 10, United States Code.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8035. Amounts deposited during the current fis-
3 cal year to the special account established under 40 U.S.C.
4 572(b)(5)(A) and to the special account established under
5 10 U.S.C. 2667(d)(1) are appropriated and shall be avail-
6 able until transferred by the Secretary of Defense to cur-
7 rent applicable appropriations or funds of the Department
8 of Defense under the terms and conditions specified by
9 40 U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B), to
10 be merged with and to be available for the same time pe-
11 riod and the same purposes as the appropriation to which
12 transferred.

13 SEC. 8036. The President shall include with each
14 budget for a fiscal year submitted to the Congress under
15 section 1105 of title 31, United States Code, materials
16 that shall identify clearly and separately the amounts re-
17 quested in the budget for appropriation for that fiscal year
18 for salaries and expenses related to administrative activi-
19 ties of the Department of Defense, the military depart-
20 ments, and the defense agencies.

21 SEC. 8037. Notwithstanding any other provision of
22 law, funds available for “Drug Interdiction and Counter-
23 Drug Activities, Defense” may be obligated for the Young
24 Marines program.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8038. During the current fiscal year, amounts
3 contained in the Department of Defense Overseas Military
4 Facility Investment Recovery Account established by sec-
5 tion 2921(c)(1) of the National Defense Authorization Act
6 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
7 be available until expended for the payments specified by
8 section 2921(c)(2) of that Act.

9 SEC. 8039. (a) IN GENERAL.—Notwithstanding any
10 other provision of law, the Secretary of the Air Force may
11 convey at no cost to the Air Force, without consideration,
12 to Indian tribes located in the States of North Dakota,
13 South Dakota, Montana, and Minnesota relocatable mili-
14 tary housing units located at Grand Forks Air Force Base
15 and Minot Air Force Base that are excess to the needs
16 of the Air Force.

17 (b) PROCESSING OF REQUESTS.—The Secretary of
18 the Air Force shall convey, at no cost to the Air Force,
19 military housing units under subsection (a) in accordance
20 with the request for such units that are submitted to the
21 Secretary by the Operation Walking Shield Program on
22 behalf of Indian tribes located in the States of North Da-
23 kota, South Dakota, Montana, and Minnesota.

24 (c) RESOLUTION OF HOUSING UNIT CONFLICTS.—
25 The Operation Walking Shield program shall resolve any

1 conflicts among requests of Indian tribes for housing units
2 under subsection (a) before submitting requests to the
3 Secretary of the Air Force under subsection (b).

4 (d) INDIAN TRIBE DEFINED.—In this section, the
5 term “Indian tribe” means any recognized Indian tribe in-
6 cluded on the current list published by the Secretary of
7 the Interior under section 104 of the Federally Recognized
8 Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat.
9 4792; 25 U.S.C. 479a–1).

10 SEC. 8040. During the current fiscal year, appropria-
11 tions which are available to the Department of Defense
12 for operation and maintenance may be used to purchase
13 items having an investment item unit cost of not more
14 than \$250,000.

15 SEC. 8041. (a) During the current fiscal year, none
16 of the appropriations or funds available to the Department
17 of Defense Working Capital Funds shall be used for the
18 purchase of an investment item for the purpose of acquir-
19 ing a new inventory item for sale or anticipated sale dur-
20 ing the current fiscal year or a subsequent fiscal year to
21 customers of the Department of Defense Working Capital
22 Funds if such an item would not have been chargeable
23 to the Department of Defense Business Operations Fund
24 during fiscal year 1994 and if the purchase of such an
25 investment item would be chargeable during the current

1 fiscal year to appropriations made to the Department of
2 Defense for procurement.

3 (b) The fiscal year 2005 budget request for the De-
4 partment of Defense as well as all justification material
5 and other documentation supporting the fiscal year 2005
6 Department of Defense budget shall be prepared and sub-
7 mitted to the Congress on the basis that any equipment
8 which was classified as an end item and funded in a pro-
9 curement appropriation contained in this Act shall be
10 budgeted for in a proposed fiscal year 2005 procurement
11 appropriation and not in the supply management business
12 area or any other area or category of the Department of
13 Defense Working Capital Funds.

14 SEC. 8042. None of the funds appropriated by this
15 Act for programs of the Central Intelligence Agency shall
16 remain available for obligation beyond the current fiscal
17 year, except for funds appropriated for the Reserve for
18 Contingencies, which shall remain available until Sep-
19 tember 30, 2005: *Provided*, That funds appropriated,
20 transferred, or otherwise credited to the Central Intel-
21 ligence Agency Central Services Working Capital Fund
22 during this or any prior or subsequent fiscal year shall
23 remain available until expended: *Provided further*, That
24 any funds appropriated or transferred to the Central Intel-
25 ligence Agency for agent operations and for covert action

1 programs authorized by the President under section 503
2 of the National Security Act of 1947, as amended, shall
3 remain available until September 30, 2005.

4 SEC. 8043. Notwithstanding any other provision of
5 law, funds made available in this Act for the Defense In-
6 telligence Agency may be used for the design, develop-
7 ment, and deployment of General Defense Intelligence
8 Program intelligence communications and intelligence in-
9 formation systems for the Services, the Unified and Speci-
10 fied Commands, and the component commands.

11 SEC. 8044. Of the funds appropriated to the Depart-
12 ment of Defense under the heading “Operation and Main-
13 tenance, Defense-Wide”, not less than \$10,000,000 shall
14 be made available only for the mitigation of environmental
15 impacts, including training and technical assistance to
16 tribes, related administrative support, the gathering of in-
17 formation, documenting of environmental damage, and de-
18 veloping a system for prioritization of mitigation and cost
19 to complete estimates for mitigation, on Indian lands re-
20 sulting from Department of Defense activities.

21 SEC. 8045. (a) None of the funds appropriated in this
22 Act may be expended by an entity of the Department of
23 Defense unless the entity, in expending the funds, com-
24 plies with the Buy American Act. For purposes of this
25 subsection, the term “Buy American Act” means title III

1 of the Act entitled “An Act making appropriations for the
2 Treasury and Post Office Departments for the fiscal year
3 ending June 30, 1934, and for other purposes”, approved
4 March 3, 1933 (41 U.S.C. 10a et seq.).

5 (b) If the Secretary of Defense determines that a per-
6 son has been convicted of intentionally affixing a label
7 bearing a “Made in America” inscription to any product
8 sold in or shipped to the United States that is not made
9 in America, the Secretary shall determine, in accordance
10 with section 2410f of title 10, United States Code, wheth-
11 er the person should be debarred from contracting with
12 the Department of Defense.

13 (c) In the case of any equipment or products pur-
14 chased with appropriations provided under this Act, it is
15 the sense of the Congress that any entity of the Depart-
16 ment of Defense, in expending the appropriation, purchase
17 only American-made equipment and products, provided
18 that American-made equipment and products are cost-
19 competitive, quality-competitive, and available in a timely
20 fashion.

21 SEC. 8046. None of the funds appropriated by this
22 Act shall be available for a contract for studies, analysis,
23 or consulting services entered into without competition on
24 the basis of an unsolicited proposal unless the head of the
25 activity responsible for the procurement determines—

1 (1) as a result of thorough technical evaluation,
2 only one source is found fully qualified to perform
3 the proposed work;

4 (2) the purpose of the contract is to explore an
5 unsolicited proposal which offers significant sci-
6 entific or technological promise, represents the prod-
7 uct of original thinking, and was submitted in con-
8 fidence by one source; or

9 (3) the purpose of the contract is to take ad-
10 vantage of unique and significant industrial accom-
11 plishment by a specific concern, or to insure that a
12 new product or idea of a specific concern is given fi-
13 nancial support:

14 *Provided*, That this limitation shall not apply to contracts
15 in an amount of less than \$25,000, contracts related to
16 improvements of equipment that is in development or pro-
17 duction, or contracts as to which a civilian official of the
18 Department of Defense, who has been confirmed by the
19 Senate, determines that the award of such contract is in
20 the interest of the national defense.

21 SEC. 8047. (a) Except as provided in subsection (b)
22 and (c), none of the funds made available by this Act may
23 be used—

24 (1) to establish a field operating agency; or

1 (2) to pay the basic pay of a member of the
2 Armed Forces or civilian employee of the depart-
3 ment who is transferred or reassigned from a head-
4 quarters activity if the member or employee's place
5 of duty remains at the location of that headquarters.

6 (b) The Secretary of Defense or Secretary of a mili-
7 tary department may waive the limitations in subsection
8 (a), on a case-by-case basis, if the Secretary determines,
9 and certifies to the Committees on Appropriations of the
10 House of Representatives and Senate that the granting
11 of the waiver will reduce the personnel requirements or
12 the financial requirements of the department.

13 (c) This section does not apply to field operating
14 agencies funded within the National Foreign Intelligence
15 Program.

16 SEC. 8048. Notwithstanding section 303 of Public
17 Law 96-487 or any other provision of law, the Secretary
18 of the Navy is authorized to lease real and personal prop-
19 erty at Naval Air Facility, Adak, Alaska, pursuant to 10
20 U.S.C. 2667(f), for commercial, industrial or other pur-
21 poses: *Provided*, That notwithstanding any other provision
22 of law, the Secretary of the Navy may remove hazardous
23 materials from facilities, buildings, and structures at
24 Adak, Alaska, and may demolish or otherwise dispose of
25 such facilities, buildings, and structures.

(RESCISSIONS)

1
2 SEC. 8049. Of the funds appropriated in Department
3 of Defense Appropriations Acts, the following funds are
4 hereby rescinded from the following accounts and pro-
5 grams in the specified amounts:

6 "Aircraft Procurement, Army, 2003/2005",
7 \$47,100,000;

8 "Other Procurement, Army, 2003/2005",
9 \$8,000,000;

10 "Shipbuilding and Conversion, Navy, 2002/
11 2006", \$25,600,000;

12 "Missile Procurement, Air Force, 2003/2005",
13 \$27,000,000;

14 "Other Procurement, Air Force, 2003/2005",
15 \$30,000,000; and

16 "Research, Development, Test and Evaluation,
17 Army, 2003/2004", \$1,650,000.

18 SEC. 8050. None of the funds available in this Act
19 may be used to reduce the authorized positions for mili-
20 tary (civilian) technicians of the Army National Guard,
21 the Air National Guard, Army Reserve and Air Force Re-
22 serve for the purpose of applying any administratively im-
23 posed civilian personnel ceiling, freeze, or reduction on
24 military (civilian) technicians, unless such reductions are
25 a direct result of a reduction in military force structure.

1 SEC. 8051. None of the funds appropriated or other-
2 wise made available in this Act may be obligated or ex-
3 pended for assistance to the Democratic People's Republic
4 of North Korea unless specifically appropriated for that
5 purpose.

6 SEC. 8052. During the current fiscal year, funds ap-
7 propriated in this Act are available to compensate mem-
8 bers of the National Guard for duty performed pursuant
9 to a plan submitted by a Governor of a State and approved
10 by the Secretary of Defense under section 112 of title 32,
11 United States Code: *Provided*, That during the perform-
12 ance of such duty, the members of the National Guard
13 shall be under State command and control: *Provided fur-*
14 *ther*, That such duty shall be treated as full-time National
15 Guard duty for purposes of sections 12602(a)(2) and
16 (b)(2) of title 10, United States Code.

17 SEC. 8053. Funds appropriated in this Act for oper-
18 ation and maintenance of the Military Departments, Com-
19 batant Commands and Defense Agencies shall be available
20 for reimbursement of pay, allowances and other expenses
21 which would otherwise be incurred against appropriations
22 for the National Guard and Reserve when members of the
23 National Guard and Reserve provide intelligence or coun-
24 terintelligence support to Combatant Commands, Defense
25 Agencies and Joint Intelligence Activities, including the

1 activities and programs included within the National For-
2 eign Intelligence Program (NFIP), the Joint Military In-
3 telligence Program (JMIP), and the Tactical Intelligence
4 and Related Activities (TIARA) aggregate: *Provided*, That
5 nothing in this section authorizes deviation from estab-
6 lished Reserve and National Guard personnel and training
7 procedures.

8 SEC. 8054. During the current fiscal year, none of
9 the funds appropriated in this Act may be used to reduce
10 the civilian medical and medical support personnel as-
11 signed to military treatment facilities below the September
12 30, 2002 level: *Provided*, That the Service Surgeons Gen-
13 eral may waive this section by certifying to the congres-
14 sional defense committees that the beneficiary population
15 is declining in some catchment areas and civilian strength
16 reductions may be consistent with responsible resource
17 stewardship and capitation-based budgeting.

18 SEC. 8055. (a) LIMITATION ON PENTAGON RENOVA-
19 TION COSTS.—Not later than the date each year on which
20 the President submits to Congress the budget under sec-
21 tion 1105 of title 31, United States Code, the Secretary
22 of Defense shall submit to Congress a certification that
23 the total cost for the planning, design, construction, and
24 installation of equipment for the renovation of wedges 2
25 through 5 of the Pentagon Reservation, cumulatively, will

1 not exceed four times the total cost for the planning, de-
2 sign, construction, and installation of equipment for the
3 renovation of wedge 1.

4 (b) ANNUAL ADJUSTMENT.—For purposes of apply-
5 ing the limitation in subsection (a), the Secretary shall
6 adjust the cost for the renovation of wedge 1 by any in-
7 crease or decrease in costs attributable to economic infla-
8 tion, based on the most recent economic assumptions
9 issued by the Office of Management and Budget for use
10 in preparation of the budget of the United States under
11 section 1104 of title 31, United States Code.

12 (c) EXCLUSION OF CERTAIN COSTS.—For purposes
13 of calculating the limitation in subsection (a), the total
14 cost for wedges 2 through 5 shall not include—

15 (1) any repair or reconstruction cost incurred
16 as a result of the terrorist attack on the Pentagon
17 that occurred on September 11, 2001;

18 (2) any increase in costs for wedges 2 through
19 5 attributable to compliance with new requirements
20 of Federal, State, or local laws; and

21 (3) any increase in costs attributable to addi-
22 tional security requirements that the Secretary of
23 Defense considers essential to provide a safe and se-
24 cure working environment.

1 (d) CERTIFICATION COST REPORTS.—As part of the
2 annual certification under subsection (a), the Secretary
3 shall report the projected cost (as of the time of the certifi-
4 cation) for—

5 (1) the renovation of each wedge, including the
6 amount adjusted or otherwise excluded for such
7 wedge under the authority of paragraphs (2) and (3)
8 of subsection (c) for the period covered by the cer-
9 tification; and

10 (2) the repair and reconstruction of wedges 1
11 and 2 in response to the terrorist attack on the Pen-
12 tagon that occurred on September 11, 2001.

13 (e) DURATION OF CERTIFICATION REQUIREMENT.—
14 The requirement to make an annual certification under
15 subsection (a) shall apply until the Secretary certifies to
16 Congress that the renovation of the Pentagon Reservation
17 is completed.

18 SEC. 8056. Notwithstanding any other provision of
19 law, that not more than 35 percent of funds provided in
20 this Act for environmental remediation may be obligated
21 under indefinite delivery/indefinite quantity contracts with
22 a total contract value of \$130,000,000 or higher.

23 SEC. 8057. (a) None of the funds available to the
24 Department of Defense for any fiscal year for drug inter-
25 diction or counter-drug activities may be transferred to

1 any other department or agency of the United States ex-
2 cept as specifically provided in an appropriations law.

3 (b) None of the funds available to the Central Intel-
4 ligence Agency for any fiscal year for drug interdiction
5 and counter-drug activities may be transferred to any
6 other department or agency of the United States except
7 as specifically provided in an appropriations law.

8 (TRANSFER OF FUNDS)

9 SEC. 8058. Appropriations available in this Act under
10 the heading "Operation and Maintenance, Defense-Wide"
11 for increasing energy and water efficiency in Federal
12 buildings may, during their period of availability, be trans-
13 ferred to other appropriations or funds of the Department
14 of Defense for projects related to increasing energy and
15 water efficiency, to be merged with and to be available
16 for the same general purposes, and for the same time pe-
17 riod, as the appropriation or fund to which transferred.

18 SEC. 8059. None of the funds appropriated by this
19 Act may be used for the procurement of ball and roller
20 bearings other than those produced by a domestic source
21 and of domestic origin: *Provided*, That the Secretary of
22 the military department responsible for such procurement
23 may waive this restriction on a case-by-case basis by certi-
24 fying in writing to the Committees on Appropriations of
25 the House of Representatives and the Senate, that ade-
26 quate domestic supplies are not available to meet Depart-

1 ment of Defense requirements on a timely basis and that
2 such an acquisition must be made in order to acquire ca-
3 pability for national security purposes: *Provided further,*
4 That this restriction shall not apply to the purchase of
5 “commercial items”, as defined by section 4(12) of the
6 Office of Federal Procurement Policy Act, except that the
7 restriction shall apply to ball or roller bearings purchased
8 as end item.

9 SEC. 8060. Notwithstanding any other provision of
10 law, funds available to the Department of Defense shall
11 be made available to provide transportation of medical
12 supplies and equipment, on a nonreimbursable basis, to
13 American Samoa, and funds available to the Department
14 of Defense shall be made available to provide transpor-
15 tation of medical supplies and equipment, on a non-
16 reimbursable basis, to the Indian Health Service when it
17 is in conjunction with a civil-military project.

18 SEC. 8061. None of the funds in this Act may be
19 used to purchase any supercomputer which is not manu-
20 factured in the United States, unless the Secretary of De-
21 fense certifies to the congressional defense committees
22 that such an acquisition must be made in order to acquire
23 capability for national security purposes that is not avail-
24 able from United States manufacturers.

1 SEC. 8062. Notwithstanding any other provision of
2 law, the Naval shipyards of the United States shall be eli-
3 gible to participate in any manufacturing extension pro-
4 gram financed by funds appropriated in this or any other
5 Act.

6 SEC. 8063. Notwithstanding any other provision of
7 law, each contract awarded by the Department of Defense
8 during the current fiscal year for construction or service
9 performed in whole or in part in a State (as defined in
10 section 381(d) of title 10, United States Code) which is
11 not contiguous with another State and has an unemploy-
12 ment rate in excess of the national average rate of unem-
13 ployment as determined by the Secretary of Labor, shall
14 include a provision requiring the contractor to employ, for
15 the purpose of performing that portion of the contract in
16 such State that is not contiguous with another State, indi-
17 viduals who are residents of such State and who, in the
18 case of any craft or trade, possess or would be able to
19 acquire promptly the necessary skills: *Provided*, That the
20 Secretary of Defense may waive the requirements of this
21 section, on a case-by-case basis, in the interest of national
22 security.

23 SEC. 8064. None of the funds made available in this
24 or any other Act may be used to pay the salary of any
25 officer or employee of the Department of Defense who ap-

1 proves or implements the transfer of administrative re-
2 sponsibilities or budgetary resources of any program,
3 project, or activity financed by this Act to the jurisdiction
4 of another Federal agency not financed by this Act with-
5 out the express authorization of Congress: *Provided*, That
6 this limitation shall not apply to transfers of funds ex-
7 pressly provided for in Defense Appropriations Acts, or
8 provisions of Acts providing supplemental appropriations
9 for the Department of Defense.

10 SEC. 8065. (a) LIMITATION ON TRANSFER OF DE-
11 FENSE ARTICLES AND SERVICES.—Notwithstanding any
12 other provision of law, none of the funds available to the
13 Department of Defense for the current fiscal year may be
14 obligated or expended to transfer to another nation or an
15 international organization any defense articles or services
16 (other than intelligence services) for use in the activities
17 described in subsection (b) unless the congressional de-
18 fense committees, the Committee on International Rela-
19 tions of the House of Representatives, and the Committee
20 on Foreign Relations of the Senate are notified 15 days
21 in advance of such transfer.

22 (b) COVERED ACTIVITIES.—This section applies to—
23 (1) any international peacekeeping or peace-en-
24 forcement operation under the authority of chapter
25 VI or chapter VII of the United Nations Charter

1 under the authority of a United Nations Security
2 Council resolution; and

3 (2) any other international peacekeeping, peace-
4 enforcement, or humanitarian assistance operation.

5 (c) REQUIRED NOTICE.—A notice under subsection
6 (a) shall include the following:

7 (1) A description of the equipment, supplies, or
8 services to be transferred.

9 (2) A statement of the value of the equipment,
10 supplies, or services to be transferred.

11 (3) In the case of a proposed transfer of equip-
12 ment or supplies—

13 (A) a statement of whether the inventory
14 requirements of all elements of the Armed
15 Forces (including the reserve components) for
16 the type of equipment or supplies to be trans-
17 ferred have been met; and

18 (B) a statement of whether the items pro-
19 posed to be transferred will have to be replaced
20 and, if so, how the President proposes to pro-
21 vide funds for such replacement.

22 SEC. 8066. To the extent authorized by subchapter
23 VI of chapter 148 of title 10, United States Code, the
24 Secretary of Defense may issue loan guarantees in support
25 of United States defense exports not otherwise provided

1 for: *Provided*, That the total contingent liability of the
2 United States for guarantees issued under the authority
3 of this section may not exceed \$15,000,000,000: *Provided*
4 *further*, That the exposure fees charged and collected by
5 the Secretary for each guarantee shall be paid by the
6 country involved and shall not be financed as part of a
7 loan guaranteed by the United States: *Provided further*,
8 That the Secretary shall provide quarterly reports to the
9 Committees on Appropriations, Armed Services, and For-
10 eign Relations of the Senate and the Committees on Ap-
11 propriations, Armed Services, and International Relations
12 in the House of Representatives on the implementation of
13 this program: *Provided further*, That amounts charged for
14 administrative fees and deposited to the special account
15 provided for under section 2540c(d) of title 10, shall be
16 available for paying the costs of administrative expenses
17 of the Department of Defense that are attributable to the
18 loan guarantee program under subchapter VI of chapter
19 148 of title 10, United States Code.

20 SEC. 8067. None of the funds available to the De-
21 partment of Defense under this Act shall be obligated or
22 expended to pay a contractor under a contract with the
23 Department of Defense for costs of any amount paid by
24 the contractor to an employee when—

1 organizations and activities outside the Department of De-
2 fense pursuant to section 2012 of title 10, United States
3 Code.

4 SEC. 8070. During the current fiscal year, in the case
5 of an appropriation account of the Department of Defense
6 for which the period of availability for obligation has ex-
7 pired or which has closed under the provisions of section
8 1552 of title 31, United States Code, and which has a
9 negative unliquidated or unexpended balance, an obliga-
10 tion or an adjustment of an obligation may be charged
11 to any current appropriation account for the same purpose
12 as the expired or closed account if—

13 (1) the obligation would have been properly
14 chargeable (except as to amount) to the expired or
15 closed account before the end of the period of avail-
16 ability or closing of that account;

17 (2) the obligation is not otherwise properly
18 chargeable to any current appropriation account of
19 the Department of Defense; and

20 (3) in the case of an expired account, the obli-
21 gation is not chargeable to a current appropriation
22 of the Department of Defense under the provisions
23 of section 1405(b)(8) of the National Defense Au-
24 thorization Act for Fiscal Year 1991, Public Law
25 101–510, as amended (31 U.S.C. 1551 note): *Pro-*

1 *vided*, That in the case of an expired account, if sub-
2 sequent review or investigation discloses that there
3 was not in fact a negative unliquidated or unex-
4 pended balance in the account, any charge to a cur-
5 rent account under the authority of this section shall
6 be reversed and recorded against the expired ac-
7 count: *Provided further*, That the total amount
8 charged to a current appropriation under this sec-
9 tion may not exceed an amount equal to 1 percent
10 of the total appropriation for that account.

11 SEC. 8071. Funds appropriated for the Department
12 of Defense in this Act or any other Act for the current
13 fiscal year and hereafter for Operation and Maintenance
14 or for the Defense Health Program for supervision and
15 administration costs for facilities maintenance and repair,
16 minor construction, or design projects may be obligated
17 when the reimbursable order is accepted by the performing
18 activity. For the purpose of this section, supervision and
19 administration costs include all in-house Government
20 costs.

21 SEC. 8072. (a) During the current fiscal year and
22 hereafter, the Chief of the National Guard Bureau may
23 permit the use of equipment of the National Guard Dis-
24 tance Learning Project by any person or entity on a space-
25 available, reimbursable basis. The Chief of the National

1 Guard Bureau shall establish the amount of reimburse-
2 ment for such use on a case-by-case basis.

3 (b) During the current fiscal year and hereafter,
4 amounts collected under the subsection (a) shall be cred-
5 ited to funds then available for the National Guard Dis-
6 tance Learning Project and shall be available to defray
7 the costs associated with the use of equipment of the Dis-
8 tance Learning Project under that subsection. Such funds
9 shall be available for such purpose without fiscal year limi-
10 tation.

11 SEC. 8073. Using funds available by this Act or any
12 other Act, the Secretary of the Air Force, pursuant to a
13 determination under section 2690 of title 10, United
14 States Code, may implement cost-effective agreements for
15 required heating facility modernization in the
16 Kaiserslautern Military Community in the Federal Repub-
17 lic of Germany: *Provided*, That in the City of
18 Kaiserslautern such agreements will include the use of
19 United States anthracite as the base load energy for mu-
20 nicipal district heat to the United States Defense installa-
21 tions: *Provided further*, That at Landstuhl Army Regional
22 Medical Center and Ramstein Air Base, furnished heat
23 may be obtained from private, regional or municipal serv-
24 ices, if provisions are included for the consideration of
25 United States coal as an energy source.

1 SEC. 8074. None of the funds appropriated in title
2 IV of this Act may be used to procure end-items for deliv-
3 ery to military forces for operational training, operational
4 use or inventory requirements: *Provided*, That this restric-
5 tion does not apply to end-items used in development,
6 prototyping, and test activities preceding and leading to
7 acceptance for operational use: *Provided further*, That this
8 restriction does not apply to programs funded within the
9 National Foreign Intelligence Program: *Provided further*,
10 That the Secretary of Defense may waive this restriction
11 on a case-by-case basis by certifying in writing to the
12 Committees on Appropriations of the House of Represent-
13 atives and the Senate that it is in the national security
14 interest to do so.

15 SEC. 8075. None of the funds made available in this
16 Act may be used to approve or license the sale of the F-
17 22 advanced tactical fighter to any foreign government.

18 SEC. 8076. (a) The Secretary of Defense may, on a
19 case-by-case basis, waive with respect to a foreign country
20 each limitation on the procurement of defense items from
21 foreign sources provided in law if the Secretary determines
22 that the application of the limitation with respect to that
23 country would invalidate cooperative programs entered
24 into between the Department of Defense and the foreign
25 country, or would invalidate reciprocal trade agreements

1 for the procurement of defense items entered into under
2 section 2531 of title 10, United States Code, and the
3 country does not discriminate against the same or similar
4 defense items produced in the United States for that coun-
5 try.

6 (b) Subsection (a) applies with respect to—

7 (1) contracts and subcontracts entered into on
8 or after the date of the enactment of this Act; and

9 (2) options for the procurement of items that
10 are exercised after such date under contracts that
11 are entered into before such date if the option prices
12 are adjusted for any reason other than the applica-
13 tion of a waiver granted under subsection (a).

14 (c) Subsection (a) does not apply to a limitation re-
15 garding construction of public vessels, ball and roller bear-
16 ings, food, and clothing or textile materials as defined by
17 section 11 (chapters 50–65) of the Harmonized Tariff
18 Schedule and products classified under headings 4010,
19 4202, 4203, 6401 through 6406, 6505, 7019, 7218
20 through 7229, 7304.41 through 7304.49, 7306.40, 7502
21 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

22 SEC. 8077. (a) PROHIBITION.—None of the funds
23 made available by this Act may be used to support any
24 training program involving a unit of the security forces
25 of a foreign country if the Secretary of Defense has re-

1 ceived credible information from the Department of State
2 that the unit has committed a gross violation of human
3 rights, unless all necessary corrective steps have been
4 taken.

5 (b) MONITORING.—The Secretary of Defense, in con-
6 sultation with the Secretary of State, shall ensure that
7 prior to a decision to conduct any training program re-
8 ferred to in subsection (a), full consideration is given to
9 all credible information available to the Department of
10 State relating to human rights violations by foreign secu-
11 rity forces.

12 (c) WAIVER.—The Secretary of Defense, after con-
13 sultation with the Secretary of State, may waive the prohi-
14 bition in subsection (a) if he determines that such waiver
15 is required by extraordinary circumstances.

16 (d) REPORT.—Not more than 15 days after the exer-
17 cise of any waiver under subsection (c), the Secretary of
18 Defense shall submit a report to the congressional defense
19 committees describing the extraordinary circumstances,
20 the purpose and duration of the training program, the
21 United States forces and the foreign security forces in-
22 volved in the training program, and the information relat-
23 ing to human rights violations that necessitates the waiv-
24 er.

1 SEC. 8078. The Secretary of Defense, in coordination
2 with the Secretary of Health and Human Services, may
3 carry out a program to distribute surplus dental equip-
4 ment of the Department of Defense, at no cost to the De-
5 partment of Defense, to Indian Health Service facilities
6 and to federally-qualified health centers (within the mean-
7 ing of section 1905(l)(2)(B) of the Social Security Act (42
8 U.S.C. 1396d(l)(2)(B))).

9 SEC. 8079. None of the funds appropriated or made
10 available in this Act to the Department of the Navy shall
11 be used to develop, lease or procure the T-AKE class of
12 ships unless the main propulsion diesel engines and
13 propulsors are manufactured in the United States by a
14 domestically operated entity: *Provided*, That the Secretary
15 of Defense may waive this restriction on a case-by-case
16 basis by certifying in writing to the Committees on Appro-
17 priations of the House of Representatives and the Senate
18 that adequate domestic supplies are not available to meet
19 Department of Defense requirements on a timely basis
20 and that such an acquisition must be made in order to
21 acquire capability for national security purposes or there
22 exists a significant cost or quality difference.

23 SEC. 8080. None of the funds appropriated or other-
24 wise made available by this or other Department of De-
25 fense Appropriations Acts may be obligated or expended

1 for the purpose of performing repairs or maintenance to
2 military family housing units of the Department of De-
3 fense, including areas in such military family housing
4 units that may be used for the purpose of conducting offi-
5 cial Department of Defense business.

6 SEC. 8081. Notwithstanding any other provision of
7 law, funds appropriated in this Act under the heading
8 “Research, Development, Test and Evaluation, Defense-
9 Wide” for any advanced concept technology demonstration
10 project may only be obligated 30 days after a report, in-
11 cluding a description of the project and its estimated an-
12 nual and total cost, has been provided in writing to the
13 congressional defense committees: *Provided*, That the Sec-
14 retary of Defense may waive this restriction on a case-
15 by-case basis by certifying to the congressional defense
16 committees that it is in the national interest to do so.

17 SEC. 8082. Notwithstanding any other provision of
18 law, for the purpose of establishing all Department of De-
19 fense policies governing the provision of care provided by
20 and financed under the military health care system’s case
21 management program under 10 U.S.C. 1079(a)(17), the
22 term “custodial care” shall be defined as care designed
23 essentially to assist an individual in meeting the activities
24 of daily living and which does not require the supervision
25 of trained medical, nursing, paramedical or other specially

1 trained individuals: *Provided*, That the case management
2 program shall provide that members and retired members
3 of the military services, and their dependents and sur-
4 vivors, have access to all medically necessary health care
5 through the health care delivery system of the military
6 services regardless of the health care status of the person
7 seeking the health care: *Provided further*, That the case
8 management program shall be the primary obligor for pay-
9 ment of medically necessary services and shall not be con-
10 sidered as secondarily liable to title XIX of the Social Se-
11 curity Act, other welfare programs or charity based care.

12 SEC. 8083. During the current fiscal year and here-
13 after, refunds attributable to the use of the Government
14 travel card, refunds attributable to the use of the Govern-
15 ment Purchase Card and refunds attributable to official
16 Government travel arranged by Government Contracted
17 Travel Management Centers may be credited to operation
18 and maintenance accounts of the Department of Defense
19 which are current when the refunds are received.

20 SEC. 8084. (a) REGISTERING FINANCIAL MANAGE-
21 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD
22 CHIEF INFORMATION OFFICER.—None of the funds ap-
23 propriated in this Act may be used for a mission critical
24 or mission essential financial management information
25 technology system (including a system funded by the de-

1 fense working capital fund) that is not registered with the
2 Chief Information Officer of the Department of Defense.
3 A system shall be considered to be registered with that
4 officer upon the furnishing to that officer of notice of the
5 system, together with such information concerning the
6 system as the Secretary of Defense may prescribe. A fi-
7 nancial management information technology system shall
8 be considered a mission critical or mission essential infor-
9 mation technology system as defined by the Under Sec-
10 retary of Defense (Comptroller).

11 (b) CERTIFICATIONS AS TO COMPLIANCE WITH FI-
12 NANCIAL MANAGEMENT MODERNIZATION PLAN.—

13 (1) During the current fiscal year, a financial
14 management automated information system, a mixed
15 information system supporting financial and non-fi-
16 nancial systems, or a system improvement of more
17 than \$1,000,000 may not receive Milestone A ap-
18 proval, Milestone B approval, or full rate production,
19 or their equivalent, within the Department of De-
20 fense until the Under Secretary of Defense (Comp-
21 troller) certifies, with respect to that milestone, that
22 the system is being developed and managed in ac-
23 cordance with the Department's Financial Manage-
24 ment Modernization Plan. The Under Secretary of
25 Defense (Comptroller) may require additional certifi-

1 cations, as appropriate, with respect to any such sys-
2 tem.

3 (2) The Chief Information Officer shall provide
4 the congressional defense committees timely notifica-
5 tion of certifications under paragraph (1).

6 (c) CERTIFICATIONS AS TO COMPLIANCE WITH
7 CLINGER-COHEN ACT.—

8 (1) During the current fiscal year, a major
9 automated information system may not receive Mile-
10 stone A approval, Milestone B approval, or full rate
11 production approval, or their equivalent, within the
12 Department of Defense until the Chief Information
13 Officer certifies, with respect to that milestone, that
14 the system is being developed in accordance with the
15 Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).
16 The Chief Information Officer may require addi-
17 tional certifications, as appropriate, with respect to
18 any such system.

19 (2) The Chief Information Officer shall provide
20 the congressional defense committees timely notifica-
21 tion of certifications under paragraph (1). Each
22 such notification shall include, at a minimum, the
23 funding baseline and milestone schedule for each
24 system covered by such a certification and confirma-

1 tion that the following steps have been taken with
2 respect to the system:

3 (A) Business process reengineering.

4 (B) An analysis of alternatives.

5 (C) An economic analysis that includes a
6 calculation of the return on investment.

7 (D) Performance measures.

8 (E) An information assurance strategy
9 consistent with the Department's Global Infor-
10 mation Grid.

11 (d) DEFINITIONS.—For purposes of this section:

12 (1) The term “Chief Information Officer”
13 means the senior official of the Department of De-
14 fense designated by the Secretary of Defense pursu-
15 ant to section 3506 of title 44, United States Code.

16 (2) The term “information technology system”
17 has the meaning given the term “information tech-
18 nology” in section 5002 of the Clinger-Cohen Act of
19 1996 (40 U.S.C. 1401).

20 SEC. 8085. During the current fiscal year, none of
21 the funds available to the Department of Defense may be
22 used to provide support to another department or agency
23 of the United States if such department or agency is more
24 than 90 days in arrears in making payment to the Depart-
25 ment of Defense for goods or services previously provided

1 to such department or agency on a reimbursable basis:
2 *Provided*, That this restriction shall not apply if the de-
3 partment is authorized by law to provide support to such
4 department or agency on a nonreimbursable basis, and is
5 providing the requested support pursuant to such author-
6 ity: *Provided further*, That the Secretary of Defense may
7 waive this restriction on a case-by-case basis by certifying
8 in writing to the Committees on Appropriations of the
9 House of Representatives and the Senate that it is in the
10 national security interest to do so.

11 SEC. 8086. None of the funds provided in this Act
12 may be used to transfer to any nongovernmental entity
13 ammunition held by the Department of Defense that has
14 a center-fire cartridge and a United States military no-
15 menclature designation of “armor penetrator”, “armor
16 piercing (AP)”, “armor piercing incendiary (API)”, or
17 “armor-piercing incendiary-tracer (API-T)”, except to an
18 entity performing demilitarization services for the Depart-
19 ment of Defense under a contract that requires the entity
20 to demonstrate to the satisfaction of the Department of
21 Defense that armor piercing projectiles are either: (1) ren-
22 dered incapable of reuse by the demilitarization process;
23 or (2) used to manufacture ammunition pursuant to a con-
24 tract with the Department of Defense or the manufacture
25 of ammunition for export pursuant to a License for Per-

1 manent Export of Unclassified Military Articles issued by
2 the Department of State.

3 SEC. 8087. Notwithstanding any other provision of
4 law, the Chief of the National Guard Bureau, or his des-
5 ignee, may waive payment of all or part of the consider-
6 ation that otherwise would be required under 10 U.S.C.
7 2667, in the case of a lease of personal property for a
8 period not in excess of 1 year to any organization specified
9 in 32 U.S.C. 508(d), or any other youth, social, or fra-
10 ternal non-profit organization as may be approved by the
11 Chief of the National Guard Bureau, or his designee, on
12 a case-by-case basis.

13 SEC. 8088. None of the funds appropriated by this
14 Act shall be used for the support of any nonappropriated
15 funds activity of the Department of Defense that procures
16 malt beverages and wine with nonappropriated funds for
17 resale (including such alcoholic beverages sold by the
18 drink) on a military installation located in the United
19 States unless such malt beverages and wine are procured
20 within that State, or in the case of the District of Colum-
21 bia, within the District of Columbia, in which the military
22 installation is located: *Provided*, That in a case in which
23 the military installation is located in more than one State,
24 purchases may be made in any State in which the installa-
25 tion is located: *Provided further*, That such local procure-

1 ment requirements for malt beverages and wine shall
2 apply to all alcoholic beverages only for military installa-
3 tions in States which are not contiguous with another
4 State: *Provided further*, That alcoholic beverages other
5 than wine and malt beverages, in contiguous States and
6 the District of Columbia shall be procured from the most
7 competitive source, price and other factors considered.

8 SEC. 8089. (a) The Department of Defense is author-
9 ized to enter into agreements with the Department of Vet-
10 erans Affairs and federally-funded health agencies pro-
11 viding services to Native Hawaiians for the purpose of es-
12 tablishing a partnership similar to the Alaska Federal
13 Health Care Partnership, in order to maximize Federal
14 resources in the provision of health care services by feder-
15 ally-funded health agencies, applying telemedicine tech-
16 nologies. For the purpose of this partnership, Native Ha-
17 waiians shall have the same status as other Native Ameri-
18 cans who are eligible for the health care services provided
19 by the Indian Health Service.

20 (b) The Department of Defense is authorized to de-
21 velop a consultation policy, consistent with Executive
22 Order No. 13084 (issued May 14, 1998), with Native Ha-
23 waiians for the purpose of assuring maximum Native Ha-
24 waiian participation in the direction and administration of
25 governmental services so as to render those services more

1 responsive to the needs of the Native Hawaiian commu-
2 nity.

3 (c) For purposes of this section, the term “Native
4 Hawaiian” means any individual who is a descendant of
5 the aboriginal people who, prior to 1778, occupied and ex-
6 ercised sovereignty in the area that now comprises the
7 State of Hawaii.

8 SEC. 8090. Funds available to the Department of De-
9 fense for the Global Positioning System during the current
10 fiscal year may be used to fund civil requirements associ-
11 ated with the satellite and ground control segments of
12 such system’s modernization program.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8091. Of the amounts appropriated in this Act
15 under the heading, “Research, Development, Test and
16 Evaluation, Defense-Wide”, \$48,000,000 shall remain
17 available until expended: *Provided*, That notwithstanding
18 any other provision of law, the Secretary of Defense is
19 authorized to transfer such funds to other activities of the
20 Federal Government: *Provided further*, That of the
21 amounts made available under the heading “Operation
22 and Maintenance, Army”, up to \$177,000,000 shall re-
23 main available until expended, and is available for the ac-
24 quisition of real property, construction, personal services,
25 and operations, for certain classified activities, and may
26 be transferred to other appropriations accounts of the De-

1 partment of Defense, and notwithstanding any other pro-
2 vision of law, such funds may be obligated to carry out
3 projects not otherwise authorized by law: *Provided further*,
4 That any funds transferred shall be merged with and
5 made available for the same time period and for the same
6 purposes as the appropriations to which transferred: *Pro-*
7 *vided further*, That the transfer authority provided in this
8 paragraph is in addition to any other transfer authority
9 provided to the Department of Defense.

10 SEC. 8092. Section 8106 of the Department of De-
11 fense Appropriations Act, 1997 (titles I through VIII of
12 the matter under subsection 101(b) of Public Law 104-
13 208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall con-
14 tinue in effect to apply to disbursements that are made
15 by the Department of Defense in fiscal year 2004.

16 SEC. 8093. In addition to amounts provided in this
17 Act, \$2,000,000 is hereby appropriated for “Defense
18 Health Program”, to remain available for obligation until
19 expended: *Provided*, That notwithstanding any other pro-
20 vision of law, these funds shall be available only for a
21 grant to the Fisher House Foundation, Inc., only for the
22 construction and furnishing of additional Fisher Houses
23 to meet the needs of military family members when con-
24 fronted with the illness or hospitalization of an eligible
25 military beneficiary.

1 SEC. 8094. Amounts appropriated in title II are here-
2 by reduced by \$172,500,000 to reflect savings attributable
3 to improvements in the management of professional sup-
4 port services, surveys and analysis, and engineering and
5 technical support contracted by the military departments,
6 as follows:

7 (1) From “Operation and Maintenance, Army”,
8 \$21,500,000.

9 (2) From “Operation and Maintenance, Navy”,
10 \$34,400,000.

11 (3) From “Operation and Maintenance, Marine
12 Corps”, \$4,300,000.

13 (4) From “Operation and Maintenance, Air
14 Force”, \$21,300,000.

15 (5) From “Operation and Maintenance, De-
16 fense-Wide”, \$91,000,000.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8095. Of the amounts appropriated in this Act
19 under the heading “Shipbuilding and Conversion, Navy”,
20 \$899,502,000 shall be available until September 30, 2004,
21 to fund prior year shipbuilding cost increases: *Provided*,
22 That upon enactment of this Act, the Secretary of the
23 Navy shall transfer such funds to the following appropria-
24 tions in the amounts specified: *Provided further*, That the
25 amounts transferred shall be merged with and be available

1 for the same purposes as the appropriations to which
2 transferred:

3 To:

4 Under the heading, “Shipbuilding and Conver-
5 sion, Navy, 1996/04”:

6 LPD–17 Amphibious Transport Dock Ship
7 Program, \$150,300,000;

8 Under the heading, “Shipbuilding and Conver-
9 sion, Navy, 1998/04”:

10 New SSN, \$81,060,000;

11 Under the heading, “Shipbuilding and Conver-
12 sion, Navy, 1999/04”:

13 DDG–51 Destroyer Program,
14 \$44,420,000;

15 New SSN, \$166,978,000;

16 LPD–17 Amphibious Transport Dock Ship
17 Program \$86,821,000;

18 Under the heading, “Shipbuilding and Conver-
19 sion, Navy, 2000/04”:

20 DDG–51 Destroyer Program,
21 \$69,460,000;

22 LPD–17 Amphibious Transport Dock Ship
23 Program \$112,778,000; and

24 Under the heading, “Shipbuilding and Conver-
25 sion, Navy, 2001/04”:

1 DDG-51 Destroyer Program,
2 \$90,313,000; and
3 New SSN, \$97,372,000.

4 SEC. 8096. The Secretary of the Navy may settle,
5 or compromise, and pay any and all admiralty claims
6 under 10 U.S.C. 7622 arising out of the collision involving
7 the U.S.S. GREENEVILLE and the EHIME MARU, in
8 any amount and without regard to the monetary limita-
9 tions in subsections (a) and (b) of that section: *Provided*,
10 That such payments shall be made from funds available
11 to the Department of the Navy for operation and mainte-
12 nance.

13 SEC. 8097. Notwithstanding any other provision of
14 law or regulation, the Secretary of Defense may exercise
15 the provisions of 38 U.S.C. 7403(g) for occupations listed
16 in 38 U.S.C. 7403(a)(2) as well as the following:

17 Pharmacists, Audiologists, and Dental Hygien-
18 ists.

19 (A) The requirements of 38 U.S.C.
20 7403(g)(1)(A) shall apply.

21 (B) The limitations of 38 U.S.C.
22 7403(g)(1)(B) shall not apply.

23 SEC. 8098. Funds appropriated by this Act, or made
24 available by the transfer of funds in this Act, for intel-
25 ligence activities are deemed to be specifically authorized

1 by the Congress for purposes of section 504 of the Na-
2 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
3 year 2004 until the enactment of the Intelligence Author-
4 ization Act for fiscal year 2004.

5 SEC. 8099. The total amount appropriated in title II
6 is hereby reduced by \$320,000,000 to reduce cost growth
7 in information technology development, to be derived as
8 follows:

9 (1) From “Operation and Maintenance, Army”,
10 \$60,000,000.

11 (2) From “Operation and Maintenance, Navy”,
12 \$100,000,000.

13 (3) From “Operation and Maintenance, Air
14 Force”, \$100,000,000.

15 (4) From “Operation and Maintenance, De-
16 fense-Wide”, \$60,000,000.

17 SEC. 8100. None of the funds in this Act may be
18 used to initiate a new start program without prior notifica-
19 tion to the Office of Secretary of Defense and the congres-
20 sional defense committees.

21 SEC. 8101. The amounts appropriated in title II are
22 hereby reduced by \$539,000,000 to reflect cash balance
23 and rate stabilization adjustments in Department of De-
24 fense Working Capital Funds, as follows:

1 (1) From “Operation and Maintenance, Army”,
2 \$107,000,000.

3 (2) From “Operation and Maintenance, Navy”,
4 \$45,000,000.

5 (3) From “Operation and Maintenance, Air
6 Force”, \$387,000,000.

7 SEC. 8102. The amount appropriated in title II for
8 “Operation and Maintenance, Navy” is hereby reduced by
9 \$67,000,000 to reduce excess funded carryover.

10 SEC. 8103. (a) In addition to the amounts provided
11 elsewhere in this Act, the amount of \$5,500,000 is hereby
12 appropriated to the Department of Defense for “Oper-
13 ation and Maintenance, Army National Guard”. Such
14 amount shall be made available to the Secretary of the
15 Army only to make a grant in the amount of \$5,500,000
16 to the entity specified in subsection (b) to facilitate access
17 by veterans to opportunities for skilled employment in the
18 construction industry.

19 (b) The entity referred to in subsection (a) is the
20 Center for Military Recruitment, Assessment and Vet-
21 erans Employment, a nonprofit labor-management co-op-
22 eration committee provided for by section 302(c)(9) of the
23 Labor-Management Relations Act, 1947 (29 U.S.C.
24 186(c)(9)), for the purposes set forth in section 6(b) of

1 the Labor Management Cooperation Act of 1978 (29
2 U.S.C. 175a note).

3 SEC. 8104. (a) During the current fiscal year and
4 hereafter, funds available to the Secretary of a military
5 department for Operation and Maintenance may be used
6 for the purposes stated in subsection (b) to support chap-
7 lain-led programs to assist members of the Armed Forces
8 and their immediate family members in building and
9 maintaining a strong family structure.

10 (b) The purposes referred to in subsection (a) are
11 costs of transportation, food, lodging, supplies, fees, and
12 training materials for members of the Armed Forces and
13 their family members while participating in such pro-
14 grams, including participation at retreats and conferences.

15 SEC. 8105. FINANCING AND FIELDING OF KEY ARMY
16 CAPABILITIES.—The Department of Defense and the De-
17 partment of the Army shall make future budgetary and
18 programming plans to fully finance the Non-Line of Sight
19 (NLOS) Objective Force cannon and resupply vehicle pro-
20 gram in order to field this system in the 2008 timeframe.
21 As an interim capability to enhance Army lethality, surviv-
22 ability, and mobility for light and medium forces before
23 complete fielding of the Objective Force, the Army shall
24 ensure that budgetary and programmatic plans will pro-

1 vide for no fewer than six Stryker Brigade Combat Teams
2 to be fielded between 2003 and 2008.

3 SEC. 8106. (a) MANAGEMENT OF CHEMICAL DEMILI-
4 TARIZATION ACTIVITIES AT BLUEGRASS ARMY DEPOT,
5 KENTUCKY.—If a technology other than the baseline in-
6 cineration program is selected for the destruction of lethal
7 chemical munitions pursuant to section 142 of the Strom
8 Thurmond National Defense Authorization Act for Fiscal
9 Year 1999 (Public Law 105–261; 50 U.S.C. 1521 note),
10 the program manager for the Assembled Chemical Weap-
11 ons Assessment shall be responsible for management of
12 the construction, operation, and closure, and any con-
13 tracting relating thereto, of chemical demilitarization ac-
14 tivities at Bluegrass Army Depot, Kentucky, including
15 management of the pilot-scale facility phase of the alter-
16 native technology.

17 (b) MANAGEMENT OF CHEMICAL DEMILITARIZATION
18 ACTIVITIES AT PUEBLO DEPOT, COLORADO.—The pro-
19 gram manager for the Assembled Chemical Weapons As-
20 sessment shall be responsible for management of the con-
21 struction, operation, and closure, and any contracting re-
22 lating thereto, of chemical demilitarization activities at
23 Pueblo Army Depot, Colorado, including management of
24 the pilot-scale facility phase of the alternative technology
25 selected for the destruction of lethal chemical munitions.

1 SEC. 8107. In addition to the amounts appropriated
2 or otherwise made available in this Act, \$6,500,000, to
3 remain available until September 30, 2004, is hereby ap-
4 propriated to the Department of Defense: *Provided*, That
5 the Secretary of Defense shall make grants in the amount
6 of \$4,000,000 to the American Red Cross for Armed
7 Forces Emergency Services; and \$2,500,000 to the In-
8 trepid Sea-Air-Space Foundation.

9 SEC. 8108. None of the funds appropriated in this
10 Act under the heading “Overseas Contingency Operations
11 Transfer Fund” may be transferred or obligated for De-
12 partment of Defense expenses not directly related to the
13 conduct of overseas contingencies: *Provided*, That the Sec-
14 retary of Defense shall submit a report no later than 30
15 days after the end of each fiscal quarter to the Committees
16 on Appropriations of the Senate and House of Representa-
17 tives that details any transfer of funds from the “Overseas
18 Contingency Operations Transfer Fund”: *Provided fur-*
19 *ther*, That the report shall explain any transfer for the
20 maintenance of real property, pay of civilian personnel,
21 base operations support, and weapon, vehicle or equipment
22 maintenance.

23 SEC. 8109. For purposes of section 1553(b) of title
24 31, United States Code, any subdivision of appropriations
25 made in this Act under the heading “Shipbuilding and

1 Conversion, Navy” shall be considered to be for the same
2 purpose as any subdivision under the heading “Ship-
3 building and Conversion, Navy” appropriations in any
4 prior fiscal year, and the 1 percent limitation shall apply
5 to the total amount of the appropriation.

6 SEC. 8110. None of the funds in this Act may be
7 used for research, development, test, evaluation, procure-
8 ment or deployment of nuclear armed interceptors of a
9 missile defense system.

10 SEC. 8111. Notwithstanding section 2465 of title 10
11 U.S.C., the Secretary of the Navy may use funds appro-
12 priated in title II of this Act under the heading, “Oper-
13 ation and Maintenance, Navy”, to liquidate the expenses
14 incurred for private security guard services performed at
15 the Naval Support Unit, Saratoga Springs, New York by
16 Burns International Security Services, Albany, New York
17 in the amount of \$29,323.35, plus accrued interest, if any.

18 SEC. 8112. Of the amounts provided in title II of this
19 Act under the heading, “Operation and Maintenance, De-
20 fense-Wide”, \$20,000,000 is available for the Regional
21 Defense Counter-terrorism Fellowship Program, to fund
22 the education and training of foreign military officers,
23 ministry of defense civilians, and other foreign security of-
24 ficials, to include United States military officers and civil-

1 ian officials whose participation directly contributes to the
2 education and training of these foreign students.

3 SEC. 8113. (a) EXCHANGE REQUIRED.—In exchange
4 for the private property described in subsection (b), the
5 Secretary of the Interior shall convey to the Veterans
6 Home of California—Barstow, Veterans of Foreign Wars
7 Post #385E (in this section referred to as the “recipi-
8 ent”), all right, title, and interest of the United States
9 in and to a parcel of real property consisting of approxi-
10 mately one acre in the Mojave National Preserve and des-
11 ignated (by section 8137 of the Department of Defense
12 Appropriations Act, 2002 (Public Law 107–117; 115 Stat.
13 2278)) as a national memorial commemorating United
14 States participation in World War I and honoring the
15 American veterans of that war. Notwithstanding the con-
16 veyance of the property under this subsection, the Sec-
17 retary shall continue to carry out the responsibilities of
18 the Secretary under such section 8137.

19 (b) CONSIDERATION.—As consideration for the prop-
20 erty to be conveyed by the Secretary under subsection (a),
21 Mr. and Mrs. Henry Sandoz of Mountain Pass, California,
22 have agreed to convey to the Secretary a parcel of real
23 property consisting of approximately five acres, identified
24 as parcel APN 569–051–44, and located in the west $\frac{1}{2}$
25 of the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of the northwest

1 ¼ of section 11, township 14 north, range 15 east, San
2 Bernardino base and meridian.

3 (c) EQUAL VALUE EXCHANGE; APPRAISAL.—The
4 values of the properties to be exchanged under this section
5 shall be equal or equalized as provided in subsection (d).
6 The value of the properties shall be determined through
7 an appraisal performed by a qualified appraiser in con-
8 formance with the Uniform Appraisal Standards for Fed-
9 eral Land Acquisitions (Department of Justice, December
10 2000).

11 (d) CASH EQUALIZATION.—Any difference in the
12 value of the properties to be exchanged under this section
13 shall be equalized through the making of a cash equali-
14 zation payment. The Secretary shall deposit any cash
15 equalization payment received by the Secretary under this
16 subsection in the Land and Water Conservation Fund.

17 (e) REVERSIONARY CLAUSE.—The conveyance under
18 subsection (a) shall be subject to the condition that the
19 recipient maintain the conveyed property as a memorial
20 commemorating United States participation in World War
21 I and honoring the American veterans of that war. If the
22 Secretary determines that the conveyed property is no
23 longer being maintained as a war memorial, the property
24 shall revert to the ownership of the United States.

1 (f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF
2 ACQUIRED LAND.—The boundaries of the Mojave Na-
3 tional Preserve shall be adjusted to reflect the land ex-
4 change required by this section. The property acquired by
5 the Secretary under this section shall become part of the
6 Mojave National Preserve and be administered in accord-
7 ance with the laws, rules, and regulations generally appli-
8 cable to the Mojave National Preserve.

9 SEC. 8114. None of the funds appropriated or made
10 available in this Act shall be used to reduce or disestablish
11 the operation of the 53d Weather Reconnaissance Squad-
12 ron of the Air Force Reserve, if such action would reduce
13 the WC-130 Weather Reconnaissance mission below the
14 levels funded in this Act.

15 SEC. 8115. The Secretary of the Air Force shall con-
16 vey, without consideration, to the Inland Valley Develop-
17 ment Agency all right, title, and interest of the United
18 States in and to certain parcels of real property, including
19 improvements thereon, located in San Bernardino, Cali-
20 fornia, that consist of approximately 39 acres and are
21 leased, as of June 1, 2003, by the Secretary to the De-
22 fense Finance and Accounting Service. The conveyance
23 shall be subject to the condition that the Inland Valley
24 Development Agency and the Director of the Defense Fi-
25 nance and Accounting Service enter into a lease-back

1 agreement, acceptable to the Director, for premises re-
2 quired by the Director for support operations conducted
3 by the Defense Finance and Accounting Service.

4 SEC. 8116. Notwithstanding the provisions of section
5 2401 of title 10, United States Code, the Secretary of the
6 Navy is authorized to enter into a contract for the charter
7 for a period through fiscal year 2008, of the vessel, RV
8 CORY CHOUEST (United States Official Number
9 933435) in support of the Surveillance Towed Array Sen-
10 sor (SURTASS) program: *Provided*, That funding for this
11 lease shall be from within funds provided in this Act and
12 future appropriations Acts.

13 SEC. 8117. In addition to the amounts appropriated
14 or otherwise made available elsewhere in this Act, and not-
15 withstanding any other provision of law, \$20,000,000 is
16 hereby appropriated to “Operation and Maintenance,
17 Army”, to remain available until September 30, 2004, to
18 be available only for a grant in the amount of \$20,000,000
19 to the Silver Valley Unified School District, Silver Valley,
20 California, for the purpose of school construction at Fort
21 Irwin, California.

22 SEC. 8118. Amounts appropriated in title II are here-
23 by reduced by \$294,000,000 to reflect savings attributable
24 to efficiencies and management improvements in the fund-

1 ing of miscellaneous or other contracts in the military de-
2 partments, as follows:

3 (1) From “Operation and Maintenance, Army,”
4 \$27,000,000;

5 (2) From “Operation and Maintenance, Navy,”
6 \$50,000,000; and

7 (3) From “Operation and Maintenance, Air
8 Force”, \$217,000,000.

9 SEC. 8119. The amount appropriated in title II for
10 “Operation and Maintenance, Air Force” is hereby re-
11 duced by \$600,000,000 to reflect cash balance and rate
12 stabilization adjustments in the Department of Defense
13 Transportation Working Capital Fund.

14 (RESCISSION)

15 SEC. 8120. Of the funds made available in chapter
16 3 of title I of the Emergency Wartime Supplemental Ap-
17 propriations Act, 2003 (Public Law 108–11), under the
18 heading “Iraq Freedom Fund” (117 Stat. 563),
19 \$2,000,000,000 is hereby rescinded.

20 SEC. 8121. Of the total amount appropriated by this
21 Act under the heading “Operation and Maintenance, De-
22 fense-Wide” to provide assistance to local educational
23 agencies for children of members of the Armed Forces and
24 Department of Defense civilian employees with severe dis-
25 abilities, the Secretary of Defense may use up to \$855,566
26 to make additional payment under section 363 of the

1 Floyd D. Spence National Defense Authorization Act for
2 Fiscal Year 2001 (20 U.S.C. 7703(a)) to those local edu-
3 cational agencies whose percentage reduction in the pay-
4 ment amount for fiscal year 2002 was in excess of the
5 reduction otherwise imposed under subsection (d) of such
6 section for that fiscal year. The Secretary of Defense may
7 waive collection of any overpayment made to local edu-
8 cational agencies under such section for fiscal year 2002.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8122. None of the funds made available in this
11 Act may be transferred to any department, agency, or in-
12 strumentality of the United States Government, except
13 pursuant to a transfer made by, or transfer authority pro-
14 vided in, this Act or any other appropriations Act.

15 SEC. 8123. None of the funds appropriated or other-
16 wise made available by this Act may be used to implement
17 any amendment or revision of, or cancel, the Department
18 of Defense Directive 1344.7, “Personal Commercial Solici-
19 tation on DoD Installations”, until 90 days following the
20 date the Secretary of Defense submits to Congress notice
21 of the amendment, revision or cancellation, and the rea-
22 sons therefore.

23 SEC. 8124. LIMITATION ON DEPLOYMENT OF TER-
24 RORISM INFORMATION AWARENESS PROGRAM.—

25 (1) Notwithstanding any other provision of law
26 and except as provided in paragraph (2), if and

1 when research and development on the Terrorism
2 Information Awareness program (formerly known as
3 the Total Information Awareness program), or any
4 component of such program, permits the deployment
5 or implementation of such program or component,
6 no department, agency, or element of the Federal
7 Government may deploy or implement such program
8 or component, or transfer such program or compo-
9 nent to another department, agency, or element of
10 the Federal Government, until the Secretary of De-
11 fense—

12 (A) notifies Congress of that development,
13 including a specific and detailed description
14 of—

15 (i) each element or component of such
16 program intended to be deployed or imple-
17 mented; and

18 (ii) the method and scope of the in-
19 tended deployment or implementation of
20 such program or component (including the
21 data or information to be accessed or
22 used); and

23 (B) has received specific authorization by
24 law from Congress for the deployment or imple-

1 mentation of such program or component, in-
2 cluding—

3 (i) a specific authorization by law for
4 the deployment or implementation of such
5 program or component; and

6 (ii) a specific appropriation by law of
7 funds for the deployment or implementa-
8 tion of such program or component.

9 (2) The limitation in paragraph (1) shall not
10 apply with respect to the deployment or implementa-
11 tion of the Terrorism Information Awareness pro-
12 gram, or a component of such program, in support
13 of the following:

14 (A) Lawful military operations of the
15 United States conducted outside the United
16 States.

17 (B) Lawful foreign intelligence activities
18 conducted wholly overseas, or wholly against
19 non-United States citizens.

20 SEC. 8125. (a) CLOSURE OF NAVAL STATION ROO-
21 SEVELT ROADS, PUERTO RICO.—Notwithstanding any
22 other provision of law, the Secretary of the Navy shall
23 close Naval Station Roosevelt Roads, Puerto Rico, no later
24 than six months after enactment of this Act.

25 (b) DISPOSAL.—

1 (1) The Secretary of the Navy shall exercise the
2 authority granted to the Administrator of the Gen-
3 eral Services pursuant to section 545 of title 40 and
4 dispose of the real property and associated personal
5 property at the former Naval Station by public sale.

6 (2) The Secretary of the Navy may transfer ex-
7 cess personal property or dispose of surplus personal
8 property located at the installation pursuant to the
9 Federal Property and Administrative Services Act of
10 1949 (40 U.S.C. 521 et seq.).

11 (c) The Secretary of the Navy may use funds in the
12 Department of Defense Base Closure Account established
13 by section 2906 of the Defense Base Closure and Realign-
14 ment Act of 1990, Public Law 101–510 to implement the
15 closure.

16 (d) There shall be deposited into the Account referred
17 to in subsection (c) the proceeds of sale from the disposal
18 of property authorized by subsection (b) for the benefit
19 of the Department of the Navy.

20 This Act may be cited as the “Department of Defense
21 Appropriations Act, 2004”.

Union Calendar No. 96

108TH CONGRESS
1ST SESSION

H. R. 2658

[Report No. 108-187]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

JULY 2, 2003

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed